

POWER IN CONFLICT WITH THE ESSENCE OF PEOPLES

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The declaration of Australia as terra nullius by the British paved the way for invasion and the systematic decimation of Indigenous cultures and lives. The Imperial Declaration that the land belonged to nobody was an excellent way of excluding any path to the recognition and rights of the Indigenous peoples. British power was exerted in the name of founding a new colony which would serve the Imperial purpose and allow for a civilizing process to take place for the “wretched” native peoples, who were regarded as the last rung in the chain of human evolution, a vestige of past peoples. The power of the British lay in their belief in the righteousness of their appropriation of the land, the judgement of the Indigenous peoples as almost unworthy of the name human and, of course, in their overwhelming numbers, their weapons and the speed of the colonial expansion.

The Indigenous cultures on the continent conceived of power in a totally different way which made them an easy prey for the invader. The land did not “belong” to them, they were the guardians of a land handed down to them over thousands of years by the ancestral creation spirits. The transmission of their culture was oral, but also explained in rock paintings and ceremonial rituals, music, songs, dances and body painting. Confronted by the powerful, materialistic invader hungry to make the land productive, as God had intended it to be, their culture, based on the power of ancestral law, did not stand a chance¹.

Before approaching the subject of the cultural clash between the British invaders, colonisers and the Aboriginal peoples of Australia, I need first to centre on the figure of Rosendo Salvado, to whom this volume is dedicated on the bicentenary of his birth. Prof. Doireann MacDermott asked a pertinent question

¹ Author’s note. I am not Aboriginal and wish to state first my recognition of the Aboriginal and Torres Strait islander peoples and their lands. In writing this article I stand to be rectified as my knowledge of Aboriginal culture can never be that of an Aboriginal him/herself.

when she wondered if the history of Australia would have been different if the Spanish rather than the British had invaded the continent. I fear not as wherever Europeans have invaded “new” countries the story has been the same: the attempted extermination, if not of the natives themselves, then at least of their culture. It is for this reason that the figure of Rosendo Salvado stands out as unique regarding his attitude to natives, in this case the Aboriginal peoples of Australia.

Salvado believed that the only way to approach the “other” was through a full comprehension of their social-cultural convictions and of their language, without which it would be impossible to establish a mutual cultural exchange and respect. Far advanced for his times, the relevance of Salvado’s work is diametrically opposed to the thought of his times, social Darwinism, and to the common belief that all Aboriginal peoples were just one rung above the animal and a dying race. One only needs to confront Salvado’s views with those of Daisy Bates, who lived among the Aboriginal peoples for decades from 1899 onwards. Daisy Bates was an anthropologist and journalist, although she had no formal training in anthropology. As pointed out in the *Australian Dictionary of Biography*, “Her anthropology found little favour with anthropologists and her papers lay dormant for three decades, though latterly they have received some scholarly attention. The usefulness of the collection as a resource of anthropological information lies in the strong empirical thread in her research, coupled with a precocious manifestation of the anthropological method of living with one’s subject”². She fully believed that the Aboriginal race was moving into extinction and thus she wished to “smooth the pillow of a dying race”³. She abhorred the idea of mixed marriages and the resulting half-castes, as Bob Reece pointed out in his 2005 talk on her, quoting her remark “The only good half-caste is a dead half-caste”⁴. Charles Darwin commented in *The Descent of Man*, published in 1871, that “At some future period, not very distant as measured by centuries,

² “Daisy Bates”, *Australian Dictionary of Biography*, <http://adb.anu.edu.au/biography/bates-daisy-may-83>. Accessed February 2014.

³ *The Independent*, Tuesday, April 22, 2014, <http://www.independent.co.uk/news/world/australasia/the-great-white-queen-of-the-nevernever-790488.html>.

⁴ Bob Reece: ““You would have loved her for her lore”: The letters of Daisy Bates”, Manning Clark House, Saturday, January 1, 2005, <http://manningclark.org.au/papers/you-would-have-loved-her-her-lore-letters-daisy-bates>. Accessed February 2014.

the civilised races of man will almost certainly exterminate, and replace, the savage races throughout the world”⁵. Salvado, on the other hand, was adamant in his belief that “no puedo convencerme de la teoría de que estos hombres sean incapaces de mejora, y que su extinción, a medida que vaya penetrando en el país la raza blanca, sea una necesidad insuperable”⁶. Salvado thus challenges Darwin and others like Daisy Bates and it is this confrontation of attitudes that clearly defines Salvado’s far-sighted compassionate and un-patriarchal beliefs with regard to the Aboriginal peoples of Australia.

January 26, 1788 was a fatal day in the history of the Aboriginal peoples of Australia. That day the British invaded the continent and took possession of the land in the name of the Crown. In order to understand the cultural clashes that occurred between the invader, later colonisers, and the Aboriginal peoples, we need to understand something about their socio-cultural-spiritual paradigms and how diametrically opposed these were to those of the invader.

The Aboriginal belief system is based on the sacredness of the land and all living and inanimate things that form part of it. The creation of the world according to Aboriginal belief is called the Dream Time or the Dreaming but bears no relation to the Western meaning of the word. In the mists of time, before the world existed, ancestral spirits lay waiting beneath the surface of the land until such a time came when they erupted onto the surface and created all things on earth, both animate and inanimate. As they moved across the land they also created the stories that accompanied their creational experiences. Many of these stories contain both the norms by which Aboriginal peoples should live and also how they should relate to the land and to each other. Thus these stories become the core of sacred law to be passed down unaltered throughout time. “Once the ancestor spirits had created the world, they changed into trees, the stars, rocks, watering holes or other objects. These are the sacred places of Aboriginal culture and have special properties. Because the ancestors did not disappear at the end of the Dreaming, but remained in these sacred sites, the

⁵ C. Darwin: *The Descent of Man*, first posted: November 28, 1999, <http://www.gutenberg.org/cache/epub/2300/pg2300.html>.

⁶ R. Salvado: *Memorias históricas sobre la Australia y particularmente acerca de la misión benedictina de Nueva Nursia y los usos y costumbres de los salvajes*, Barcelona: [s.n.], Imprenta de los Herederos de la Viuda de Pla, 1853, p. 298.

Dreaming is never-ending, linking the past and the present, the people and the land”⁷. As a result, every individual and group is inextricably linked to the land not as an owner or owners, but as a guardian or guardians who will ensure that the ancestral laws are implemented and that the social cohesion of the group both between each other and with the land will remain intact and secure. The concept of ownership of the land was totally incomprehensible to the Aboriginal peoples as their Spirit Ancestors had entrusted them with its guardianship to use with care and to abide by the ancestral sacred societal rules. Bill Neidjie, of the Gagudju people, neatly synthesises the relationship between Aboriginal peoples and the land: “I feel with my body. Feeling all these trees, all this country. When this blow you can feel it. Same for country [...] you feel it, you can look, but feeling [...] that make you [...]. Our story is in the land [...] it is written in those sacred places [...] My children will look after those places, that’s the law”⁸.

Like all oral cultures, the Aboriginal peoples developed various means by which the law and creation stories of the ancestral spirits could permeate down through thousands of years unaltered. The main way to communicate the wisdom of the ancestors lay in storytelling. This was not a rehash of stories that changed and mutated with each generation, quite the reverse. The creation stories and the laws by which the people should live came down verbatim, unchanged through the careful tuition of the elders to the younger members of the clan. No change was allowed and so the stories that Europeans first heard in languages unintelligible to them were none other than those that were sung by the ancestral spirits as they created the world. Stories are, as we know, transmitted in multiple ways and Aboriginal cultures are no exception. Rock, bark and body painting, sand painting, singing, dancing, carving on artifacts were all a means of transmission. Sand painting is a particularly good medium to use as an example. While the elders sat with the young ones they would draw in the sand and, as they did so, sing the story of their painting. Similarly, as they moved across the country they would sing, tell stories and dance around the fireside. Sacred places would have their meaning explained in words and rhythms that

⁷ “The Dreaming”, <http://australia.gov.au/about-australia/australian-story/dreaming>. Accessed February 2014.

⁸ Bill Neidjie with Stephen Davis and Allan Fox: *Kakadu Man*, Darwin, Resource Managers Pty. Ltd., 1965, pp. 51, 65.

never changed. Thus the children learnt the great creation stories and law and the continuity of the Aboriginal belief system and land was thus ensured.

It would be wrong to imagine that all the stories were open to all the community. Many of the ceremonies were open to all but there were those that could only be heard and performed by the initiated and were banned to those who were not. Others were women's stories alone and could only be retold among women, others were men's stories and punishment for infringement of the gender barrier would be swift for the culprit, often resulting in their being banished from their clan and thus left to wander soulless across the land of others'. Once exiled from the land that spiritually and physically nourished them, a lonely death was often the only release.

While all comparisons have areas of slippage in meaning, perhaps the only way in which the non-Aboriginal can understand the importance of the land for them is by looking upon it as a sacred text that also contains the precepts of law, a people's history and genealogy, both collective and personal, and an intricate and complete cartography. A complex cosmology carefully guarded by the group and the individual. The ecosystem on the continent was and still is a delicate environment in which everything lived in a precarious relationship with the rest. Any disturbance of that ecosystem could bring about the most devastating consequences, as has been witnessed by the increasing desertification of the continent since the arrival of the Europeans.

Before the invasion of the continent, the Aboriginal peoples led a nomadic life as hunters and gatherers. Like other hunter-gatherer peoples, the women harvested roots, honey and other edibles while the men hunted. Such was their knowledge of the land that they would move across it according to what was ready to be harvested or hunted in a particular area. As they moved, often hundreds of kilometers, they would "sing up" the land and perform the appropriate ceremonies at the various sacred sites on their way. The Aboriginals only took from the land as much as they needed to subsist, never exhausting any of its resources. They also engaged in what we call fire-stick farming. This entails a careful burning off of the scrub with two effects. Animals would run before the flames and could be easily hunted and the surface vegetation, once burned off, would soon yield new shoots on which the wild life could graze and grow. Everything the Aboriginals did in their relationship with the land was to ensure

the continuous abundance produced by the environment. It is no wonder then that, as Salvado noted, they were surprised that the white man could not survive in the desert areas when they could always find food and water. Only a profound knowledge of the land and its cyclical variations could make this possible, something the white man had alienated himself from thousands of years ago, besides finding himself in a totally hostile environment.

Unlike the Maori of Aotearoa, New Zealand or the North American Indians, the Aboriginal peoples were not warriors in the full sense of the word. There had never been out-and-out wars between clans, but individual grudges often settled in single combat. Over the thousands of years they had lived on the land they had never had to defend it either against an invader or territorial clashes with other clans. This, unfortunately, led to the idea that the Aboriginals would not resist the European. Nothing further from the truth. Once they realised that the invader had no intention of sharing the land, nor of negotiation, but encroached further and further into their traditional lands, they soon learnt that attack and defence were the only viable ways to confront these outsiders. They were, however, ill equipped against the guns of both the military and the colonisers and thus mostly used guerrilla tactics, appearing out of nowhere, attacking and vanishing back into the bush. The superiority of numbers and weaponry and continued genocide, as we shall see later, were, however, to decimate their peoples and leave them on the edge of spiritual and physical exhaustion.

On invading Australia the British made use of two terminologies that began the process of invisibilising the Aboriginal peoples and nullifying their rights to their land. Australia was taken by the British using the term “terra nullius”, loosely translatable as “land belonging to nobody”, and in international law the term indicates land which has never been under the sovereignty of any state or people. Thus anybody who occupies the land can claim sovereignty over it. By making use of this law the British established from day one that, in terms of international law, the Aborigines did not exist and that they had no claim over the lands they occupied. The second terminology which further invisibilised the Aboriginal peoples was precisely “Aboriginal”. If we consider that we are all Aboriginals from somewhere, calling the natives of Australia by that name was a deliberate attempt to, firstly, place all the natives into one basket with no recognition of difference between them and, secondly, to basically refer to them

with a no-name. When the British occupied North America, although the general term “Indian” was used, each tribe became known by its own name; thus we have the Sioux, the Apache and so forth. Treatises, however dubious, were signed by the British and coloniser with particular tribes. In the case of Australia no treatise was ever signed because, as it was terra nullius, the natives had no rights. Thus began the first attempts to invisibilise and negate the existence of a people considered to be beyond the pale of civilisation and thus condemned to extinction. The question remains: how was it that the Aboriginal peoples began to die out so fast?

As with other invaded and colonised people, especially in North America and the Pacific, the Aboriginal peoples had no immune system that could counterattack such illnesses as smallpox, influenza, whooping cough and the whole gamut of other ailments the invader introduced. Thus there was a high death toll resulting from such illnesses. As the coloniser encroached upon Aboriginal lands they drove their inhabitants away from their traditional hunting grounds and sources of food. Apart from this physical aspect, it is well known that Aboriginal peoples removed from their lands became spiritually debilitated, depressed enough to die from sadness as a result of separation from the land they had held in custody and with which they had communed over thousands of years. This state of mind also lowered their immune system, further helping to raise the numbers of deaths from white illnesses. There were also fearful clashes between the colonisers and the Aboriginal peoples. In retaliation for the Aboriginal stealing of stock on which to survive, not only were the culprits hunted down and killed but very often various members of their community were murdered as well. Policing this kind of horror on the colonial frontier was difficult and, if the general appreciation of the natives was that they were on their way to extinction, then did a murder really matter or, worse still, a massacre?

By the end of the nineteenth century, it became clear that the Aboriginal peoples, though greatly decimated in numbers, were not going into extinction and they were now referred to as the Aboriginal problem, a clear signifier that they were still profoundly troubling to the colonisers. In 1905 a new process was to begin which, it was hoped, would really put an end to the presence of Aboriginal peoples in Australia: eugenics.

Large numbers of Aboriginal peoples were already living in or near missions or reservations and it now became of paramount importance that they be totally controlled. Between 1804 and 1911 the various states and territories brought in Aboriginal protection acts that were designed to strictly control the movement and private lives of all Aboriginal peoples. They were unable to move freely around the continent without special passes, they had to have special permission to marry, which, as we will see, formed the core of the practice of eugenics, they were not allowed to speak their languages or carry out any of their ritual ceremonies. Anna Haebich points out,

The 1905 Act⁹ controlled virtually every aspect of Aboriginal lives – with whom they could associate, where they could live and work, and their earnings, personal property, family life, marriage, and sexual contacts – and allowed for their removal to institutions where they could be detained indefinitely. Fines and imprisonment awaited those who dared not to comply with its provisions. Such was the virtually totalitarian control vested in the so-called Chief Protector of Aborigines¹⁰.

As is well known, the theory of eugenics is based upon the belief of a genetically superior race and that all inferior races can be bred out through carefully controlled marriages. This resulted in one of the darkest parts of Australian history. In order for the Aboriginal race to be bred out, it was necessary to separate full blood from any contact with half-castes. At the same time it was equally necessary that a half-blood Aborigine marry into whiter stock until eventually, in theory, the dark-skinned people would vanish. This theory, as we know, failed in practice because it did not take into account genetic throwbacks or the fallibility of a superior race. In order to implement the practice of controlling the descendents of Aboriginal peoples, those who were half-caste, quarter-caste, octoroons, etc., were separated from their families and taken far away from where the relatives remained in order to break all contact

⁹ This refers to the 1905 Western Australian Aborigines Act, which would include in its mandate New Norcia.

¹⁰ Anna Haebich: ‘“Clearing the Wheat Belt”: Erasing the Indigenous Presence in the Southwest of Western Australia’, in Dirk Moses, ed., *Genocide and Settler Society*, New York, Berghahn Books, 2004, p. 272.

with them. From 1905 until the very early 70s, thousands of children were taken away from their parents and put into missions and orphanages or, if very blond, fostered out to white families. These children became known as the “Stolen Generations”, though the exact numbers taken away will never be known. Once in the missions they were indoctrinated into the Western culture. Forbidden to speak their languages or to search for their relatives, these youngsters were destined to be domestic workers or farm workers and to be fully assimilated into white society.

Rosendo Salvado would have been horrified if he had known what was to happen, but he too, like Fulgencio Torres and Anselm M. Catalan, his successors as Abbots of New Norcia, would have had no choice but to obey the orders of the state if the mission were to survive. As a result, children who had been kidnapped from their families were interned in New Norcia together with a number of other settlements in Western Australia such as the Moore River Native Settlement.

It is difficult to imagine the accumulative traumatic effect that this constant separation of families could possibly produce both then and decades later.

The twentieth century saw the continuance of the assimilationist policy legislated in 1937. The minutes of the Aboriginal Welfare Conference of Commonwealth and State Authorities, which met in April 1937, clearly reveal the policy to be followed and the clear attempt to finally destroy Aboriginal culture: “The destiny of the natives of aboriginal origin, but not of the full blood, lies in their ultimate absorption [...] with a view to their taking their place in the white community on an equal footing with the whites”¹¹. The legislation reinforced segregationist policies with separate areas in hospitals, schools refusing to enrol children and a whole host of other segregation criteria. It was not until 1967 that a Commonwealth referendum would be held to determine if Aboriginal peoples were to be given Australian citizenship and be included on the census. A landslide victory was supported by 97% of the voters and hopes now began to rise among the Aboriginal communities and those non-Aboriginal people who supported them that things would change. They would, but very slowly.

¹¹ “Aboriginal history timeline (1900-1969)”, <http://www.creativespirits.info/aboriginalculture/history/aboriginal-history-timeline-1900-1969>. Accessed February 2014.

The struggle for land rights, equal opportunities, the attempt to end discrimination and for an improvement in the quality of life for Aboriginal peoples was to continue throughout the twentieth century and even today.

1992 was an outstandingly important year in this respect. Eddie Mabo, a land right activist, together with David Passi and James Rice, among others, claimed the rights of their people to native title over Murray Islands in the Torres Strait. In many senses this was a test case to determine the legal land rights of the Meriam people and, by extension, all Aboriginal peoples. The legal battle began in 1982 with Mabo always in the front line. Ten years later and five months after Mabo's death, the High Court delivered a stunning verdict. On June 3, 1992, the High Court ruled by a six to one majority vote that the Meriam people held native title over the islands and overturned the use of "terra nullius", thereby recognising that the continent had never been an unoccupied land. Thus, over the following decades the successive governments would develop the Native Title Act, first legislated in 1993. It goes without saying that the Mabo case and verdict was to cause division in public opinion and, similarly, not all governments in power were to agree on how to proceed with the Native Title Act. There was, however, a slow but forward movement with regard to native title and also with regard to the discrimination to which Aboriginal peoples had been and are subjected.

The next landmark was to come with the national enquiry into the Stolen Generations, a seven-hundred-page document, tabled in the Federal Parliament on May 26, 1997. The report brought the people of Australia up short with its declaration that the removal of Aboriginal children by force was an act of genocide and thus against the United Nations Convention on Genocide, ratified by Australia in 1949. The document brought innumerable witnesses' stories and clear evidence of the breach in the UNCG into the public sphere both as the subject of national debate and discussion point among the Australian population itself. In spite of Prime Minister John Howard's refusal to apologise to the Aboriginal peoples, one year after the publication of the report there was a massive response by Australians during the first Sorry Day, with marches across the nation significantly over bridges as a symbol of the need for reconciliation. It was not until February 13, 2008 that a public apology came offered by the then Prime Minister Kevin Rudd.

The issues surrounding land rights and equality in all areas of life for Aboriginal peoples are still unfolding, exasperatingly slowly for some. One has to hope that eventually reconciliation will bear fruit at all levels. The situation is complex to a degree and progress can only be made if all sides involved can find ways in which they can work together towards a satisfactory outcome for all. One can not but help asking oneself what Rosendo Salvado would have said and done in the present situation. Throughout his life and work in Western Australia, Salvado had always insisted on the importance of respect for both the natives and their traditions. Respect for one's fellow human being was the cornerstone of his work with the native peoples of Western Australia. I personally believe that today he would advise that, first and foremost, any discussion of any kind, political or domestic, must be initiated on the equality that derives from mutual respect: for the "Other" is none other than oneself.