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## Aboriginality and the Violence of Colonialism

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*Aboriginality survives the long history of a violent colonial project. In the contemporary space an Aboriginal resistance and survival struggle continues. However, the colonial project also continues. The state still has assimilation agendas, intent upon the removal of Aboriginal peoples from traditional lands and the absorption of Aboriginality into a 'white Australia'. Colonising acts of violence, both past and present, have been read as being beneficial to Aboriginal communities, saving them from their violent selves. A comprehensive analysis of the sources of Aboriginal community violence from a diversity of Aboriginal perspectives is rarely made by the mass media or given space for communication and conversation. The Howard government's intervention into Northern Territory Aboriginal communities is supported by the current Rudd government, and remains largely immune from a critical gaze at its underlying impulses.*

### Introduction

In previous works I have argued that the impact of colonialism is central to the contemporary condition of Aboriginal peoples and that de-colonisation of the Aboriginal position is central to the healing of that condition. De-colonisation processes are in the realm of what is yet to come, to be imagined and negotiated between the colonized and the colonizer. While it may be the choice of some individuals to assimilate into white Australia, what choice is available for Aboriginal peoples wanting to re-build and develop Aboriginal communities on traditional lands? In speaking of survival what possibilities exist, who are we to survive as: Aboriginal peoples, and if so the question to be asked: what kinds of Aboriginal peoples do we absorb and mutate into? Can we have justice or the possibility of de-colonising the past injustices of colonialism when the state is committed to a one dimensional universal world order, one which disallows for the diversity of peoples and cultures (Watson 2006)?

In this paper the tensions between cultural relativism and universalism are explored, and in particular I am interested in examining how these

tensions are used by the Australian colonial state to legitimise assimilation. The greatest tensions arise out of the state's justification of the theft of Aboriginal lands and the absorption of Aboriginal lands into western property paradigms. Of equal importance is the state's failure to acknowledge Aboriginal sovereignty and the absorption of Aboriginal political identities into the 'one nation' Australian state.

### **Demonising first peoples**

The assimilation of peoples is mandated by ideals of western supremacy over 'native' peoples; extensive writings exist on this subject and I will not elaborate further on it. I have previously written about the *muldarbi*; *muldarbi* is a word which originates in my old peoples' languages and one translation of its meaning is demon spirit. My old people observed the impact of colonisation and referred to much of what occurred as being caused by the *muldarbi* force (Watson 1998). On the other side of the frontier British imperialism was accompanied by the Christian crusade to bring civilization to the lands of the heathen, that is, the 'native' peoples of Australia. We were to be saved from ourselves. The idea of demons was held on both sides of the colonial frontier. However the forces of British imperialism also had the power to construct and determine who was 'truly' primitive and the universal horizon beyond which all humanity would become assimilated. Universal notions of civility justified the demonisation of our 'nativeness' and were used to destroy our relationships to land and our sovereign Aboriginal being.

At the time of Cook's coming we had an Aboriginal relationship to this country now called Australia. It was a relationship to land which was shared by hundreds of culturally distinct and different language-speaking first nations peoples. Our lands were held collectively. Individual ownership was a very different concept to an Aboriginal relationship to land. However all Aboriginal relationships to land were deemed by British law to be non-existent. Aboriginal peoples were held to have no legal ownership of land or political identity as sovereign peoples (Watson 2009; Schlunke 2009). Aboriginal land rights from the time of Cook have been characterised as non-existent. After the *Mabo* decision there was a marginal shift when the High Court held that the lowest form of land ownership in the form of a beneficiary right to land, referred to as native title, be granted to traditional owners.

The result of the High Court reasoning is like having your cake and eating it too. That is, the Australian state was able to enjoy the accolades of being acknowledged as a champion of Aboriginal rights in giving recognition to native title, while retaining ultimate power over native title in the form of the right of extinguishment. The state holds power to remove a grant of native title. So under Australian law Aboriginal peoples are guaranteed an unstable relationship to country and one that always threatens a future homelessness.

The recent Northern Territory intervention was in many ways a return to the time of Cook and the initial invasion of Aboriginal lands. As at the time of Cook we were deemed backward savages again and in need of a crusading mission to save the lives of Aboriginal women and children. In the discussions leading up to the 2007 NT intervention Aboriginal land rights in the Northern Territory were referred to as being backward and disadvantageous to Aboriginal progress; the Howard government's attack on Aboriginal land rights was upheld as a unique strategy for developing safe remote Aboriginal communities (Watson 2005). The Commonwealth government publicly opposed collective Aboriginal land ownership, while it promoted the idea of Aboriginal families being at risk while they lived in communities where land is held under communal ownership (Commonwealth of Australia 2006). The idea that collective land ownership contributes to the vulnerability of Aboriginal women while private ownership of land provides greater protection for women who are subjected to violence in communities, is actually pretty absurd, but it was actively endorsed by a government intent upon another land grab. It is interesting to note John Howard's announcement in Parliament some 20 years ago of his commitment to dismantle the Commonwealth Northern Territory Land Rights Act. While in passing from parliament in November 2007 he may not have achieved that aim, the NT Intervention made some progress towards his original commitment.[1]

### **The mischief of mis-representation**

Violence amongst Aboriginal peoples and in particular against women and children has been mis-represented throughout Australia's colonial history as being inherent to Aboriginal culture and law. This historical mischief was recently revived by the Howard federal government when they announced the enactment of the emergency measures to apply across Northern Territory Aboriginal communities. Initially the emergency measures were a response to claims of sexual abuse of Aboriginal children. On the 21<sup>st</sup> June 2007 the Howard government announced its intention to use Commonwealth powers to impose a number of emergency measures; this response followed the Broad Inquiry into the protection of Aboriginal Children from Sexual Abuse, Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse (2007) report known as *Little Children Are Sacred*.

It was publicly claimed that the purpose of the intervention was to reduce sexual abuse of children and was enabled by the occupation of the Australian military and federal police forces of NT Aboriginal communities. No one would dispute that Aboriginal children should be free from the threat of sexual abuse and be able to live in safe communities, but the approach the federal government took warrants critique. The question should also be asked: would this emergency response be required if this government and previous federal and state and territory governments had listened and responded to the

opinions of Aboriginal people?[2] Governments say that they have listened, but where is the evidence?

All evidence instead reveals poorly resourced Aboriginal communities and this deprivation increased during the decade of the Howard government. The Howard government's emergency initiative into the NT has been claimed to be an heroic gesture, but it has also been damned as a racist knee-jerk reaction and one doomed to fail because of the inadequacy of available resources.[3] A debate in response to the Howard emergency initiative was taken up by the media, but the opportunity to contribute to this debate did not enable a penetrating look into the impact colonialism has had upon the lives of Aboriginal people.

Does Aboriginal culture have anything to do with violence in Aboriginal communities? Or are there other dynamics at work? Do the interests of powerful lobby and development groups have an influence over how Aboriginal culture is perceived and constructed? Why blame Aboriginal culture in isolation of the impact of colonialism and the socio-economic effect of displacement and dispossession? Does a long process of vilification assist in the assimilation of Aboriginal peoples and the commodification of our lands into Australian real property?

Previously I have argued that the demonization of Aboriginal culture allows an opening for the state to appear as a crusader and rescuer of Aboriginal women and children (Watson 2007; Watson 2005). The state becomes the knower of what is Aboriginal culture while Aboriginal peoples and communities are positioned as mere actors, acting out a deemed and 'known' cultural practice. The state as knower of 'objectionable practices' has power to construct what Aboriginal culture is and to analyse, vilify, and ultimately undermine the right of peoples to self-determination.

This process of demonisation is particularly evident in the state's response to violence perpetrated by Aboriginal men against Aboriginal women. Spivak in response to the impact of colonialism in India has called state sponsored public outcries as, 'white men rescuing brown women from brown men' (Spivak 1999: 284). But as I have argued in earlier writings the reality of the crusader -like interventions is more akin to entrapment: Aboriginal men are hunted into a confined space, or removed from collectivity to prison or the isolation of individualized spaces. Collective land ownership is thus made vulnerable, demolished and replaced by individualized land ownership (Watson 2005: 15).

We need to ask the question: how is it that private property rights are able to better protect women and children from violence? How can the state claim they can when the state fails to provide protection for non-Aboriginal women and children who occupy 'white privileged' private space?

### **Tradition: who can name what it is?**

Courts have shown 'sensitivity' towards Aboriginal men in matters of rape where 'culture' is taken as a mitigating factor. Sherene Razack suggests that it 'is often about the culturalization of rape: how cultural and historical specificities explain and excuse the violence men direct at women' (Razack 1994: 899). In the process of translating Aboriginal law the Australian courts have contributed to the harm that is done to Aboriginal women while at the same time constructing Aboriginal men as inherently violent and inferior to white men (Razack 1994: 899-900). The courts' reading of Aboriginal law and culture is that it is permissive of violence, a reading which is translated by a non-Aboriginal process, and one that excludes in its consideration the impact of more than 200 years of colonial violence. When considering traditional culture and law the courts have mostly failed to understand the effect of colonialism on Aboriginal relationships to kin and country, as though those relationships have remained intact and unaffected by modernity.

In the following Northern Territory Supreme Court decision *The Queen v GJ (2005)*, Chief Justice Martin stated:

I appreciate that it is a very difficult thing for men who have been brought up in traditional ways which permit physical violence and sexual intercourse with promised wives, even if they are not consenting, to adjust their ways. But it must be done.

In the above sentencing remarks Justice Martin affirms his knowledge of Aboriginal law and culture. Throughout the legal history of the Australian common law Aboriginal law has been translated by non-Aboriginal experts in law and anthropology, as they affirm they have come to 'know' tradition. But how and what do they know? How do they know that Aboriginal culture is inherently violent? How do they separate or not separate Aboriginal violence from the wide-scale colonial violence which has occurred in the past 200 years?

What is known and considered of a violent colonial frontier where the rape and murder of Aboriginal peoples occurred frequently? The colonial violence inflicted by white men and women on Aboriginal peoples remains invisible in any critique of Aboriginal violence.

The reality of injustice, inequality, displaced sovereign power and dispossession from traditional lands should figure in any consideration of Aboriginal violence. There is almost no space in which Aboriginal culture remains unaffected by the inroads of colonialism, and attempts by the state to accommodate Aboriginal law and culture do so in a way which fails to accommodate the real position of Aboriginal peoples.

The High Court in *Mabo* claims to have accommodated the recognition of Aboriginal law when it recognized Aboriginal peoples were entitled to a beneficial use of land such as hunting and gathering peoples would enjoy. It was recognition that came 200 years after the colonial invasion. But the possibility of our survival as hunter gatherer peoples is not recognized in a 'real' world context. Most of our lands are alienated to freehold tenure by Europeans, and farmed, mined or laid over by urban development. Our seas are becoming depleted of fish stocks; our lands have become eroded and depleted by over grazing to the extent that the sea and lands can no longer sustain a hunter and gatherer lifestyle. It's crazy, but the dumb illusion of an unaffected native and native space prevails.

While our position as sovereign peoples was not pleaded in *Mabo*, it was negated by the court when it affirmed the legitimacy of Australia's violent colonial foundations. The decision in *Mabo (No 2)* which was hailed as a landmark act of reconciliation provided only for the most meager and vulnerable form of land title known to the common law.

While the continuity of traditional Aboriginal culture and law forms the basis of recognition of Aboriginal title in the *Mabo* decision, the form of recognition that flows on from that decision fails to support the continuity of Aboriginal culture.

### **What are the possibilities for recognition?**

Perhaps the only possibility for an Aboriginality to grow is in a violence free environment, one that is not disabled by an Australian hegemony. Perhaps there is no possibility for growth of any peoples when all of the space is held by hegemonic forces that enable rampant and ravenous development of our natural world.

Perhaps all that we can do as Aboriginal peoples is to give respect, acknowledgement and recognition to Aboriginal relationships with family, kin and the natural world and to the spirit which makes us human and is the core of our Aboriginality.

When we seek recognition from those who hold the power to determine our extinguishment what are we doing? What should we expect? Kindness? Justice? Respect? It's about time.

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### **Notes**

[1] This intention circulated as public and media discourse 20 years ago.

[2] Previously well documented in Robertson Bonni (Qld) *Aboriginal and Torres Strait Islander Women's Taskforce on Violence Report* (2000) <http://www.austlii.edu.au/cgi-bin/disp.pl/au/journals/AILR/2000/20.html?query=bonni%20robertson%20womens%20taskforce%20on%20violence> among many other reports made by Aboriginal women across Australia over more than the past decade.

[3] Bonni Robertson is quoted in Karvelas Patricia 'Crusade to Save Aboriginal Kids Howard Declares 'National Emergency' to End Abuse' *The Australian* 22 June 2007 p 1, and McKenna Michael 'Damaged generation' *The Australian*, 22 June 2007 p 13, notes that there is a lack of public resources to deal appropriately and effectively with the conditions in most remote communities, and that there are not the qualified Social Work professionals in the field that could currently meet demands.

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