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# Sorry, and not sorry, in Australia: how the apology to the stolen generations buried a history of genocide

TONY BARTA

It was a day of high emotion, as it had to be. Tears, joy, tension, relief. For more than two centuries Aboriginal people in Australia have been subject to relentless pressures of family destruction; for more than two decades they have actively sought recognition of the pain inflicted on those called “the stolen generations”, a pain which almost all Indigenous families still suffer. Now, in 2008, there would be a national apology.

The policy of removing mixed race children went back over a hundred years. Among the children removed from an Aboriginal community just beginning to recover from the onslaught of violent dispossession were Margaret Tucker and her sister May. They were at school on a mission reserve when a car was heard—a rare sound in 1917—and a policeman came into the class. Three girls were to go immediately. The teacher, married to the station manager, delayed until Margaret’s mother could be fetched:

We had our arms round our mother, and refused to let go. She still had her apron on, and must have run the whole one and a half miles. She arrived just in time, due to the kindness of Mrs Hill. As we hung on to our mother she said fiercely, ‘They are my children and they are not going away with you.’

The policeman, who no doubt was doing his duty, patted his hand cuffs, which were in a leather case on his belt, and which May and I thought was a revolver.

‘Mrs. Clements,’ he said, ‘I’ll have to use this if you do not let us take the children now.’

Thinking the policeman would shoot Mother, because she was trying to stop him, we screamed, ‘We’ll go with him Mum, we’ll go.’ I cannot forget any detail of that moment, it stands out as though it were yesterday.

Their mother was allowed to come to the next town, Deniliquin, in the car. There she was told that they would be going to the hospital to pick up her younger daughter, Geraldine, as well. The policeman came back to say, “Mrs Clements, you can have your little girl, she left hospital this morning.”

But the two others were driven away while their mother was in the police station. She was found the next morning, moaning and crying under a tree, half demented and ill. "For months after, at the sight of a policeman's white helmet, she would grab her little girl and escape into the bush, as did all the Aboriginal people who had children."<sup>1</sup>

The distress of Aborigines only rarely broke through to the public sphere. Officials carrying out the policies on behalf of various Australian governments had their own distress, but not invariably. The righteous and the callous were as imperious as they assumed Aboriginal mothers to be. James Isdell, a West Australian pastoralist and parliamentarian appointed as "Travelling Protector" in 1907, told his superior, "I consider it a great scandal to allow any of these half-caste girls to remain with the natives." He saw himself as serving both morality and the larger cause of civilisation. "I would not hesitate to separate any half-caste from its Aboriginal mother, no matter how frantic momentary grief might be at the time. They soon forget their offspring."<sup>2</sup>

The question of race calculated in fractions was plain sense to Europeans of the time. It was never recognized by Aborigines, except as an insult to their humanity that they had to cope with every day. It became embedded in legislation from 1886, when Victorian "half-castes" were required to leave Government reserves and fend for themselves, regardless of discrimination in an increasingly race-conscious society. "Viewed in its harshest light," wrote a later historian, "the 1886 Act could be construed as attempt at legal genocide. Certainly it was aimed at removing the Aborigines as a distinct and observable group, with its own culture and way of life."<sup>3</sup> The effect was to break up families like Margaret Tucker's and to advance the supposition, borne out by the Tasmanian example, that the Indigenous remnant in a prospering new European society would soon disappear. When a nation was created in 1901, the Commonwealth was given no responsibility for Aborigines. They would not be counted in the census.<sup>4</sup>

From the 1960s onwards there was important political progress, notably the 1967 referendum amending the constitution to give the Commonwealth Government power to make laws affecting Aborigines. Land rights legislation in 1975–76 was only the beginning of many battles up to the present. The appalling record of deaths in custody was not addressed until 1987.<sup>5</sup> In the 1992 Mabo case the High Court declared *terra nullius* a fallacy and paved the way for a new Native Title Act the next year. For a government to acknowledge that Australia's foundation and the long record of Aboriginal suffering were linked would require an unlikely degree of political courage, but at the end of 1992 Prime Minister Keating spoke in the heart of Sydney's Aboriginal community, at Redfern Park:<sup>6</sup>

It begins, I think, with the act of recognition. Recognition that it was we who did the dispossessing. We took the traditional lands and smashed the traditional way of life. We brought the disasters. The alcohol. We committed the murders. We took the children from their mothers. We practised discrimination and exclusion.

It was our ignorance and our prejudice. And our failure to imagine these things being done to us. With some noble exceptions, we failed to make the most basic human response and enter into their hearts and minds. We failed to ask—how would I feel if this were done to me?

From this had to follow the next step, so long awaited. The Keating Government appointed the President of the Human Rights and Equal Opportunity Commission, Sir Ronald Wilson, and its Aboriginal Social Justice Commissioner, Mick Dodson, to enquire into “the past laws, practices and policies which resulted in the separation of Aboriginal and Torres Strait Islander children from their families by compulsion, duress or undue influence, and the effects of those laws, practices and policies.”<sup>7</sup>

For the first time individuals could tell their stories to an official inquiry, and the inquiry made plain that these stories would be heard. Afterwards, the inquiry left no doubt: there must be an apology from every government involved in child removal, not least the Commonwealth. By the time of its report, the Keating Labour Government had been defeated and John Howard, the new prime minister was making no bones about a new attitude to “political correctness”, “black-armband history,” and apologizing for past wrongs. “I sympathise fundamentally with Australians who are insulted when they are told we have a racist, bigoted past,” he said, and his Aboriginal Affairs Minister John Herron responded to the report with a protest: “You can’t judge past practices by today’s standards . . . we do not believe that our generation should be asked to accept responsibility for the acts of earlier generations, sanctioned by the law of the times.”<sup>8</sup> This was known to be Howard’s view when, before a largely Aboriginal audience, he tried to replace an apology with “practical reconciliation”. The delegates turned their backs on him.<sup>9</sup>

The right-wing commentariat saw their time had come. Pages of vitriol poured from press columns and “public affairs” platforms. The “stolen” had been removed for their own good, the mothers had voluntarily given them up, even the more traumatic removals were done for the best motives. Like the negative aspects of the experience, the numbers were exaggerated to make us feel guilty about our nation’s past. Wilson himself was a prominent Christian with his own guilt about church involvement in child removal.

With the Labour reformers defeated it was left to a small group of liberal commentators to carry the fight for decency and historical honesty. The most stalwart and effective was my La Trobe colleague Robert Manne. His now classic statement was a long essay, “In Denial: The Stolen Generations and the Right”. It reviewed the evidence about numbers—settling on a lower estimate of perhaps 25,000 children removed between 1900 and 1970—and added evidence from those who did the removing, something Manne found lacking in the report. Altogether it amounted to what the Governor General, Sir William Deane, another target of the right, had called “our legacy of unutterable shame.”<sup>10</sup>

## The Apology

In November 2007, the conservative government was defeated. John Howard lost his seat. Kevin Rudd led the Australian Labour Party to a victory that signalled the

11 long years of denial were over. He had committed his party during the campaign to making an apology and, to the surprise of those who had not taken his moral credentials seriously, he made it the first order of business for the new parliament. In the long years of waiting, and in the last weeks of consultation about the exact wording, Aborigines of the stolen generations made clear that “sorry” was the only word that would do. Rudd did not fail them. In an extraordinary display of how a government can change the national agenda by mobilizing the media, a special television event was promoted, giant screens were set up where crowds could gather, and school children were assembled to witness something historic. Indigenous people from across the continent converged on Canberra, camped in front of the parliament and crowded the galleries. At 9am on Wednesday February 13, 2008, the new Prime Minister of Australia rose in the house. “I move,” he began, and read a carefully crafted, unambiguous text:

Today we honour the Indigenous peoples of this land, the oldest continuing cultures in human history. We reflect on their past mistreatment.

We reflect in particular on the mistreatment of those who were Stolen Generations—this blemished chapter in our nation’s history.

The time has now come for the nation to turn a new page in Australia’s history by righting the wrongs of the past and so moving forward with confidence to the future.

We apologise for the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians.

We apologise especially for the removal of Aboriginal and Torres Strait Islander children from their families, their communities and their country.

For the pain, suffering and hurt of these Stolen Generations, their descendants and for their families left behind, we say sorry.

To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry.

And for the indignity and degradation thus inflicted on a proud people and a proud culture, we say sorry.

We the Parliament of Australia respectfully request that this apology be received in the spirit in which it is offered as part of the healing of the nation.

For the future we take heart; resolving that this new page in the history of our great continent can now be written.

We today take this first step by acknowledging the past and laying claim to a future that embraces all Australians.

A future where this Parliament resolves that the injustices of the past must never, never happen again.

A future where we harness the determination of all Australians, Indigenous and non-Indigenous, to close the gap that lies between us in life expectancy, educational achievement and economic opportunity.

A future where we embrace the possibility of new solutions to enduring problems where old approaches have failed.

A future based on mutual respect, mutual resolve and mutual responsibility.

A future where all Australians, whatever their origins, are truly equal partners, with equal opportunities and with an equal stake in shaping the next chapter in the history of this great country, Australia.<sup>11</sup>

The words deserved to be received with acclamation, and they were. After some further remarks about the great length of the indigenous past and new hopes for the future, building on the “audacity of faith” of the day, the house and the crowds all round the country burst into spontaneous applause, embraces, tears. Rudd made a point of pledging immediate and sustained action in housing, health and early childhood education for deprived communities and—another first—invited the Leader of the Opposition to join a bi-partisan commission to oversee effective action.

Brendan Nelson had not expected to be leader of the defeated Liberals. He had very little time to turn a party that had stood firmly behind Howard’s stubborn refusal into one that would join in making support for Rudd’s national apology unanimous. There were weeks of unedifying quibbling and complaining—yet again about saying sorry for the acts of earlier generations, about the word “stolen” when intentions were really benign, about the claims for compensation that would follow. Nelson secured the conservatives’ support at a price. He needed to show he had heard their concerns. After Rudd’s almost too straightforward delivery, Nelson had the chance to show the genuine emotion he was reputed to feel, refer to his experiences as a general practitioner, and reach out to the people so long denied by the government in which he had made his political career. He started well, then ploughed on to justify the misguided good intentions of the past and the authoritarian intervention going on in the present. On a day that should have been one of grieving and healing, he rubbed open wounds of ongoing child abuse and alcoholic dysfunction. By the end of his speech, Aboriginal people outside parliament and in the Great Hall had turned their backs on him. It was the same gesture made to John Howard when he refused to say sorry 11 years before.

Howard remained true to his resolve. He was the only former Prime Minister who did not attend the sitting. On a day rich in symbolism his absence was perhaps the most apt symbol of all. But there was another absentee, whose absence, I would argue, was more substantive. It was an absence that gave Howard and his cultural warriors a significant historical and moral victory.

## Genocide

When the *Bringing Them Home* report was published positive comment focused on the same human element that predominated on the day of saying sorry. Some 535 people were interviewed and at different points their experiences were quoted verbatim. Many testimonies had been in the public domain for years, some through Aboriginal organizations and historians who worked with

them.<sup>12</sup> They were given a new status in the recognition accorded by the report; they were accepted as evidence of a great wrong and great suffering.

Negative comment gagged on one word: genocide. Just as it was not the first time that Aboriginal life histories had featured in a major inquiry, it was not the first time “genocide” had appeared either. Both were noticed in the earlier report on black deaths in custody. It was a significant appearance, drawing headline notice at the time. Some liberal commentators regretted the reappearance of the word in *Bringing Them Home*, leaving the impression that an ill-considered rush of blood detracted from the overall findings. Even the main author of the report, Sir Ronald Wilson, acknowledged that in hindsight “it was a mistake to use the word genocide” because, especially with regard to “intent”, it had created such a distraction.<sup>13</sup>

Wilson, a former High Court judge, was not doing himself justice. There was nothing casual or throwaway about the references so many rejected out of hand. The five pages headed “Genocide” are carefully researched and closely argued.<sup>14</sup> Under a main heading “International Human Rights” they are preceded by a section on “Systematic Racial Discrimination” that reviewed the ways Australian removal of children on racial grounds was at odds with the 1945 United Nations Charter and the Universal Declaration of Human Rights adopted in 1948. In contrast to Canada, Australian courts had allowed the discriminatory laws to stand long after these international legal obligations were adopted. The same applied to the Genocide Convention ratified by Australia in 1949:

The Convention confirmed that genocide is a crime against humanity. This expressed a shared international outrage about genocide and empowered any country to prosecute an offender. A state cannot excuse itself by claiming that the practice was lawful under its own laws or that its people did not (or do not) share the outrage of the international community.

The report then quoted the key paragraph that includes “forcibly transferring children of the group to another group” in the acts that would be genocide if committed “with intent to destroy”. It did not leave the matter there. “In determining whether the Australian practice of forcible transfer of Indigenous children to non-Indigenous institutions and families was ‘genocide’ four issues must be considered.” Four headings followed, with succinct argument:

*1) Forcible transfer of children can be genocide*

Lemkin’s argument was summarized, together with a quotation from the Venezuelan delegate to the UN:

The forced transfer of children to a group where they would be given an education different from that of their own group, and would have new customs, a new religion and probably a new language, was in practice tantamount to the destruction of their group, whose future depended on that generation of children. Such transfer might be made from a group with a low standard of civilization... to a highly civilized group... yet if the intent of the transfer were the destruction of the group, a crime of genocide would undoubtedly have been committed.<sup>15</sup>

The forced transfer of Aboriginal children of mixed race was exactly such a case. “Aboriginal children were not removed because their ‘white blood’ made them ‘white children’ and part of the ‘white community’. They were removed because their Aboriginality was ‘a problem’. They were removed because, if they stayed with ‘their group’, they would acquire their ‘habits’, their culture and traditions.”<sup>16</sup>

### 2) *Plans and attempts can be genocide*

Here the argument about intent is reiterated, with a robust statement that “The essence of the crime of genocide is the intention to destroy the group as such and not the extent to which that intention has been achieved.” Wilson knew this principle would not go down well; he took care to distinguish the case now made from a previous report:

On this point the Inquiry’s finding is contrary to that of Commissioner Elliott Johnston in the final report of the Royal Commission into Aboriginal Deaths in Custody. Commissioner Johnston considered that the child removal policies were adopted ‘not for the purpose of exterminating a people, but for their preservation’.

As this issue is central to this Inquiry’s terms of reference, it has been the subject of much wider research than Commissioner Johnston undertook. This Inquiry concludes with certainty on the evidence that while child removal policies were often concerned to protect and ‘preserve’ individual children, a principal aim was to eliminate Indigenous cultures as distinct entities.<sup>17</sup>

### 3) *Mixed motives are no excuse*

The Inquiry foresaw that this would be an important argument of its opponents. (It remained a sore point on the day of the apology):

Does the Genocide Convention apply where the destruction of a particular culture was believed to be in the best interests of the children belonging to that group or where the child removal policies were intended to serve multiple aims, for example, giving the children an education or job training as well as removing them from their culture? Where good intentions are acknowledged, do they negate the bad or transform the intention to destroy the group as such (i.e. for its own good) into a benign intention? Does the Convention apply in cases where the destruction of a particular culture and its family institutions was believed to be in the best interests of the children or where the child removal policies were intended to serve multiple aims?

To these questions the report gave an unequivocal answer. “The debates at the time of the drafting of the Genocide Convention establish clearly that an act or policy is still genocide when it is motivated by a number of objectives. To constitute an act of genocide the planned extermination of a group need not be solely motivated by animosity or hatred.”

### 4) *Genocide continued in Australia after prohibition*

The argument under this heading is perhaps the most legitimately controversial. The general point is made at the end of the preceding section:



The continuation into the 1970s and 1980s of the practice of preferring non-Indigenous foster and adoptive families for Indigenous children was also arguably genocidal. The genocidal impact of these practices was reasonably foreseeable. Dr Sarah Pritchard persuasively argues that a general intent can be established from proof of reasonable foreseeability and that such a general intent, as contrasted with the specific intent when the objective was to absorb Indigenous people, is sufficient to establish the Convention's intent element.<sup>18</sup>

It will not surprise readers of this journal that I find much to agree with in the ideas of "general intent" and "reasonable foreseeability".<sup>19</sup> I also agree with Manne and others that the failure of the report to distinguish between the pre-Second World War policy of absorption and the post-war policy of assimilation offered opponents a ground for attacking the argument on genocide as a whole.<sup>20</sup> That argument, in my view, remains strong and the further work of Manne, Haebich and other historians bears this out.<sup>21</sup> The absorption policy, "breeding out the colour", was pursued by government agencies across the continent at a time when eugenics and Social Darwinism—and then Nazism—were leading racists towards genocide in places far from Australia. The focus was on removing "half-caste" children, or those with an even greater fraction of "white blood", especially girls. Margaret Tucker and her sister appear to have been taken away for this reason.<sup>22</sup> "Full-blood blacks" would die out anyway: the "solution" to the problem of a growing mixed-race population was to steal the children, keep them from contact with their Aboriginal families, and marry them to Europeans. A 1937 Canberra conference was assured that in 50 years time everyone would be able "to forget that there were ever any aborigines in Australia."<sup>23</sup> Manne and Haebich prefer the descriptions "genocidal thoughts" and "genocidal plans" to "genocidal crimes," or plain "genocide". The distinctions could have been used to good effect but none of these terms found their way into the apology delivered in Canberra a lifetime later.

### **Burying genocide**

A few Aboriginal voices uttered the banished word in contravention of the prevailing tone. They were not so careful of distinctions. *Bringing Them Home* had linked the finding of genocide to the question of an apology. Both were discussed in the context of "reparations" and the inquiry recommended further steps rather more concrete than saying sorry and pledging it would never happen again. There should be monetary compensation—this was firmly rejected by the Rudd government but was at least aired in national discussion. It remains unfinished business. And—also unfinished business—Australia should adopt the Genocide Convention for application at home as well as abroad. An attempt was made to introduce such legislation in 1999; it was not supported by the government.<sup>24</sup> The government changed, and the apology was pushed into the limelight without the legal argument that had helped place it on the national agenda. The nation, it is safe to say, did not want to know. The Rudd government, striving for maximum consensus, was not about to rub open a bitter controversy.

In his own reflections on the apology, Robert Manne delivered a kind of *coup de grace*. He noted that even Keith Windschuttle now accepted that the policy of “breeding out the colour” did exist. “On the other hand, I also think it is true that there is almost no-one who would now support the way Bringing Them Home arrived at the conclusion that Aboriginal-child-removal policies involved the crime of genocide.”<sup>25</sup> As I have shown, I am willing to defend the effort made by the Inquiry to establish the genocidal nature of the removal policy—something Manne did more than anyone to establish. Yes, it could be important to ascertain if there was a crime in any legal sense, and we should get clear whether the “genocidal thoughts” influenced policy outside Western Australia and the Northern Territory; the evidence is that they did. It matters, in understanding our history, whether Margaret Tucker was snatched away for vocational training or for reasons not altogether removed from genocidal ones.<sup>26</sup> But the motives were almost always mixed and for those affected, the distinctions are not significant:

For Indigenous plaintiffs, it doesn't matter whether the crime of genocide was committed as it was defined by international law and it doesn't matter whether there was intention or not. What seems to be more important from the Indigenous perspectives are the effects of the actions of the government—these actions have amounted to damage to Indigenous people, families and communities and they choose to use the word ‘genocide’ to describe it. This moves the discussion outside of the words of the statute to the side-effects and legacies of those sanctioned actions.<sup>27</sup>

The genocide Australia needs to recognize is not the one that may have been envisioned in the removal policy, but the one the removal policy was intended to complete. The racist categories of “half-castes”, “quadroons” and “octoroons”, the inhuman calculus of “breeding out the colour”, and the progression from biological “absorption” to societal “assimilation” were the twentieth century outgrowths of a nineteenth century catastrophe. The apology for the harm done more recently should not aid the forgetting of what earlier generations suffered. For the best human reasons, a national focus on the stolen generations diverted the agenda of conscience towards the present. For good historical and legal reasons the question of genocide was also foregrounded but, in consequence, it was also associated with events closer to the present. The larger relationship of genocide fundamental to Australia's past was present only to those who had not been diverted by legalistic controversy.

I have no doubt that the focus on genocide in *Bringing Them Home* and the subsequent controversy created a diversion. But we should not mistake the diversion for the reasons that gave it political traction or popular assent. In more recent years and months the same function has been served by the appalling facts and images of Aboriginal self-destruction in the present. There is a deeply seated impulse in Australian society to separate problems of Aboriginal life and death in the present from the European attitudes to Aboriginal life and death in the past. That is where the problem of recognizing genocide lies: it means recognizing a relationship of genocide with Aboriginal people since the beginning of European settlement.

So genocide has once more been buried in public discourse. It has again been driven underground, into the experienced past of the Aboriginal survivors, where it survived as a validating truth about their suffering in all the long years when their trauma had no public recognition. The historian Inga Clendinnen called the Inquiry's linking of public recognition with genocide "a moral, intellectual and (as it has turned out) a political disaster" when the denialist reaction was already in full cry. She went on to affirm that genocide for her had to mean "deliberate murder: innocent people identified by their killers as a distinctive entity being done to death by organised authority"—and therefore was not applicable to Australia's history.<sup>28</sup> Those of us who have been involved with Holocaust survivors know how important it is, after many years of pain and lonely silence, to have their experience of suffering recognized. But the recognition would not be the same if the world did not understand each individual's suffering as part of a terrible historical event, a genocidal attempt to make all Jewish people disappear from Europe. The children wrenched from their Aboriginal families were also part of a genocidal history and an expectation, more comprehensive than any Nazi ambition, that the original peoples of the continent would disappear from the earth.<sup>29</sup>

The survivors know why genocide was buried in the national apology. The nation—the Australia constructed on their suffering—is not ready to face the historical truth of its foundation or the ways the original dispossession contributed to the destruction of not just one people, but many peoples who have disappeared during the two centuries of European triumph. That, it might be said, is the true moral, intellectual and historical disaster. The apology was framed within what has come to be called "reconciliation". Established during the years following the two inquiries into Aboriginal trauma in recent times—deaths in custody and then the stolen children—it has become the official ideology within which Indigenous and non-Indigenous Australians can now "move on". Symbolically, as many Aboriginal people know, it does not recognize the depth of their historical trauma or give them a national memorial. It is meant to validate enough of their suffering to enable the celebratory memory of the Australian past to progress with less dissent into the future.<sup>30</sup>

Hence the firm steering of the apology towards pledges for the future. This might be considered a victory for Howard's "practical reconciliation", distrusted for its unrelenting assimilationist drive.<sup>31</sup> But it runs deeper than that. The turning of all eyes to the future is in the great Australian tradition of averting them from the uncomfortable truths of a triumphant past. Reconciliation offers Aborigines a more substantial and honourable share in the triumphs of the present: Rudd did not fail to mention the deplorable housing, the inadequate education and employment opportunities, the 17 year deficit in life expectancy. In these matters most Australians also have little sense of "How would I feel if that was me?" Surely Aborigines could take more responsibility for their deplorable conditions after all this time and so much taxpayer support. No one enjoying record levels of wealth and consumption wants to be reminded again, as they were during the years of those other inquiries into land rights and "native title", of the relationship between the basis of their wealth and the dispossession of

peoples who not so long ago owned the whole country.<sup>32</sup> Much less do they want to be reminded of the fate of those peoples, of lives destroyed in the genocidal rush to take over the land.

In his apology speech, Rudd had approached the historical truth.<sup>33</sup> But the message was reconciliation: “Reconciliation across the entire history of the often bloody encounter.” That meant: “For the nation to bring the first two centuries of our settled history to a close.” The content of that “settled history”, the destruction European settlement unleashed, was not to be raked over again, nor was the first genocidal attack connected with the later one. The real history, the relations of genocide known to every Indigenous person who heard the speeches, would not be allowed to intrude on this historic day. On this day, the genuine, searching kind of historical consciousness—for the truth on which to build true reconciliation—was to be put behind us:

There comes a time in the history of nations when their peoples must become fully reconciled to their past if they are to go forward with confidence to embrace their future. Our nation, Australia, has reached such a time. And that is why the parliament is today here assembled: to deal with this unfinished business of the nation, to remove a great stain from the nation’s soul and, in a true spirit of reconciliation, to open a new chapter in the history of this great land, Australia.

“Unfinished business of the nation.” “To remove a great stain.” How many people heard an echo of the “indelible stain” a British Colonial Secretary had warned of as he contemplated genocide in Tasmania in 1830? Very few.<sup>34</sup>

I would like to have met Ronald Wilson, and for him to have lived to see the day. Many years ago, unforgettably, I did meet Margaret Tucker. She was dignified, small, and old; in her kindness and alertness there was a quiet sadness. She knew her own scars were part of a longer story of pain and destruction. The community from which she was taken was already one of survivors, trying to rebuild from remnants of peoples who had disappeared. Her mother, removed to the mission with her family, was the last of the Ulupna people. The language she had known as a child died with her. Margaret was taken away so that she, and we, could forget there ever were Aborigines in Australia. “I feel,” she wrote, “that soon our ancestors won’t even be a memory.” On the day of saying sorry, my sorry was for her.

## Notes

- 1 Margaret Tucker, *If Everybody Cared* (Sydney: Ure Smith, 1977), Ch. 7. She retells the story of her removal and experiences at the Cootamundra Domestic Training Home in the documentary film *Lousy Little Sixpence*, (dir. Alex Bostock, 1983), together with other prominent campaigners for Aboriginal rights.
- 2 Robert Manne, “Aboriginal child removal and the question of genocide, 1900–1940” in: A. Dirk Moses (Ed.), *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History* (New York: Berghahn, 2004), pp 217–243. See also the introductory essay by Moses, pp 3–48. For early and continuing protests about child removal see Henry Reynolds, *This Whispering in Our Hearts*, (Sydney: Allen & Unwin, 1998).
- 3 Michael Christie, *Aborigines in Colonial Victoria 1835–1886* (Sydney: Sydney University Press, 1979) p 205. Few histories spoke of genocide in 1979.

- 4 For the wider context, and the role in it of the new Australian democracy, see Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men's Countries and the Question of Racial Equality* (Cambridge and New York: Cambridge University Press, 2008).
- 5 The final multi-volume *Royal Commission into Aboriginal Deaths in Custody: National Report* was published in 1991. The weight of history, expounded with academic assistance, is emphasized at remarkable length, esp. in Vol 2, <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/rciadic/national/vol2/>
- 6 The speech, and the political courage, belong to Keating. The words came from Don Watson, one of the few Australian historians to have engaged with Australia's genocide. Don Watson, *Caledonia Australis: Scottish Highlanders on the Frontier of Australia* (Sydney: Collins, 1984).
- 7 *Bringing Them Home*, Terms of Reference, 2 August 1995. "Principles relevant to determining the justification for compensation" were also included.
- 8 Michael A. Innes, "Genocide, ethnocide, or hyperbole? Australia's 'Stolen Generation' and Canada's 'Hidden Holocaust,'" [eniar.org/news/Genocide1](http://eniar.org/news/Genocide1), April 25, 2002. Also Robert Milliken, "Australia accused of genocide against Aborigines," *The Independent* (London) May 24, 1997.
- 9 The occasion was in May 1997. In a later speech, on May 27, 2000, "Towards Reconciliation," Howard tried several times "to frankly acknowledge the tragedies and the sadness and the pain and the hurt and the cruelty of the past." But his position on an apology was known. He would not say sorry, not even for the assertion in a government document that there never was a "stolen generation".
- 10 Robert Manne, "In denial: the Stolen Generations and the right," *Australian Quarterly Essay*, issue 1, 2001; see also Raimond Gaita, *A Common Humanity* (Melbourne: Text, 1999). As late as 2006 the scurrilous right was insisting that stories such as Margaret Tucker's were not much better than made up. Manne countered with 250 names and 46,000 words of documentation. The facts were of no interest. Robert Manne, "The cruelty of denial," *The Age*, September 6, 2006.
- 11 *The Age*, February 13, 2008. The entire front page was headed "Our National Apology" and "We'll never let it happen again". *The Australian*, an assiduous conservative campaigner in the "History Wars" had the largest headline "WE ARE SORRY" and a four-page wrap. Four days earlier it had featured Cathy Freeman on what the apology would mean to her, under a headline for Keith Windschuttle: "Fabricated history and the Stolen Generations," *The Weekend Australian*, February 9–10, 2008, pp 1, 2, 21. There is more complex argument about history and compensation by the Aboriginal leader Noel Pearson in *The Australian*, February 12, 2008.
- 12 Peter Read, *A rape of the soul so profound* (Sydney: Allen & Unwin, 1999); Coral Edwards and Peter Read, *The Lost Children* (Sydney: Doubleday, 1989). Also Doreen Mellor and Anna Haebich (Eds.), *Many Voices: Reflections on Experiences of Indigenous Child Separation* (Canberra: National Library of Australia, 2002).
- 13 See Robert van Krieken, "Cultural Genocide in Australia," in: Dan Stone (Ed.), *The Historiography of Genocide* (Basingstoke: Palgrave Macmillan, 2008), p 130. Wilson said using the word genocide "gave the government an out because the first thing they could do was to reject the report on its finding of 'genocide'," and "come out fighting." P. Carlyon, "White Lies", *The Bulletin*, (June 12, 2001), pp 26–32, quoted in Innes.
- 14 *Bringing Them Home*, pp 270–275. International Human Rights section, pp 266–276.
- 15 Reference to UN Document A/AC6/SR83 (1948) at 195. For an important qualification see van Krieken, p 153, n.65.
- 16 *Bringing them Home*, p. 272.
- 17 Reference to *National Report*, Volume 5, para 36.3.7. Another Commissioner, J.H. Wootten, said in 1989 that he was shocked by the "foreshadowing of Holocaust languages" used by authorities who attempted to "solve the Aboriginal problem" by the deliberate destruction of families and communities, a policy "seen by many Aborigines as falling squarely within the modern definition of genocide." Like the later report, he included assimilation in the policy of "merging". Moses, *Genocide and Settler Society*, p 18, van Krieken, pp 134–135.
- 18 The references cited are Sarah Prichard, "International Law", Ch. 7 in Title 1 "Aborigines and Torres Strait Islanders," *Laws of Australia* (Sydney: The Law Book Co., 1993); and Leo Kuper, *The Prevention of Genocide* (New Haven: Yale University Press, 1985), pp 12–13.
- 19 Tony Barta, "With intent to deny: on colonial intentions and genocide denial," *Journal of Genocide Research*, Vol 10, No 1, 2008, pp 111–119.
- 20 Manne in Moses, *Genocide and Settler Society*, and Russell McGregor, "Governance, not genocide: Aboriginal assimilation in the postwar era," also in Moses, *Genocide and Settler Society*, pp 290–311.
- 21 Manne, Haebich in Moses, *Genocide and Settler Society*. Anna Haebich, *For their Own Good: Aborigines and Government in the South West of Western Australia, 1900–1940* (Nedlands: University of Western Australia Press, 1992) and *Broken Circles: Fragmenting Indigenous Families* (Fremantle: Fremantle Arts Centre Press, 2000). The report does make the distinction: the "model of absorption had been a biological one,

- assimilation was a socio-cultural model.” But it did not see the interventionist pressure as lessening. The discussion is in Part 2, more than 100 pages of national and state-by-state history.
- 22 For the determination of the NSW Aborigines Protection Board to remove children, especially “half-caste” girls, from their family environment see Heather Goodall, *Invasion to Embassy: Land in Aboriginal Politics in New South Wales, 1770–1972* (Sydney: Allen & Unwin, 1996) Ch. 10 “Land, Children and Power”.
  - 23 The occasion was the first meeting of administrators of Aboriginal policy from across Australia since the founding of the Commonwealth; the speaker was A.O. Neville, the chief remover of children in Western Australia. Apart from one objection to the idea of miscegenation, no one took exception to his view that the growing “half-caste” problem might be solved by “the ultimate absorption into our own race of the whole of the existing native race”, Manne in Moses, pp 236–237.
  - 24 The Anti-Genocide Bill introduced by Senator Brian Grieg in 1999 got as far as Senate Committee hearings. It has not been reintroduced in the years since.
  - 25 Robert Manne, “Sorry business: the road to the apology,” *The Monthly*, March 2008, pp 22–31. On national television the conservative commentator Gerard Henderson noted that the report’s “central” reference to genocide was not in Rudd’s speech. The policies, said Henry Reynolds, were not “well-intentioned” mistakes. “They were designed to absorb and assimilate the Aboriginal people. And the people who put those policies into practice were open and frank about their objectives. They wanted to make the Aborigines disappear.” *ABC Lateline*, February 14, 2008.
  - 26 That Manne and I both choose Margaret Tucker’s story to make the point each of us seeks to make is no doubt also instructive. I believe the racial consciousness imposed on her pervades Margaret Tucker’s memoir. She and her mother knew that lighter-skinned girls were especially at risk of removal. The awareness of skin colour affected not only her childhood and the harsh servitude of her adolescence, but her marriage, her own child, and her determination to assert both an Aboriginal and individual identity.
  - 27 Larissa Behrendt, “Genocide: the distance between law and life,” in: Ann Curthoys and John Docker (Eds.), “Genocide? Australian Aboriginal history in international perspective,” *Aboriginal History*, Vol 25, 2001, p 146. All the essays in this volume are relevant to the issues discussed here. The Commonwealth spent millions defending the suit of two removed children, Lorna Cubillo (aged nine in 1947) and Peter Gunner (aged eight in 1956). The ruling against them in 2000 was a significant decision, asserting legality over morality, individual damage and historical wrong. More recently another claimant, removed by deception at 13 months, has been awarded over \$500,000 (*The Age*, August 2, 2007). There are predictions that this will encourage the Government to look again at a compensation fund.
  - 28 Inga Clendinnen, “First contact,” *Australian Review of Books*, May 2001. See also Moses, *Genocide and Settler Society*, pp 17–28.
  - 29 Manne (in Moses, *Genocide and Settler Society*, pp 218–219) invokes Arendt on the Eichmann trial. I agree. See also Simone Gigliotti, “Unspeakable pasts as limit events: the Holocaust, genocide, and the Stolen Generations,” *Australian Journal of Politics and History*, Vol 49, No 2, 2003, pp 164–181 and Anna Haebich, “Between knowing and not knowing: public knowledge of the Stolen Generations,” *Aboriginal History*, Vol 25, 2001, pp 70–90.
  - 30 Jürgen Zimmerer makes an apt comparison between Rudd’s apology and that of the German Development Minister Heidemarie Wieczorek-Zeul in Namibia in 2004. An English translation is in J. Zimmerer “Colonial genocide: the Herero and Nama War (1904–8) in German South West Africa and its significance,” in: Stone, *The Historiography of Genocide*, p 323.
  - 31 The Rudd government is likely to uphold a Howard initiative for 99-year private leases of Aboriginal community land, so that individual home ownership will encourage cultural, social and economic integration with “mainstream” Australia.
  - 32 The disparities in material circumstances and consciousness are flagrant in the week of the apology. Aboriginal communities, without adequate housing, employment or health services, are in a catastrophic state. Melbourne property prices rose 25% in a year, profits in electronic entertainment 50%, Qantas profit 100%. The voters who have shown themselves unsure whether spending on Aboriginal disadvantage should be increased will receive 31 billion dollars in tax cuts.
  - 33 What is truth? Inga Clendinnen, *True Stories* (Sydney: ABC Books, 1999 and Melbourne: Text, 2008)—without genocide. Bain Attwood, *Telling the Truth about Aboriginal History* (Sydney: Allen & Unwin 2005)—“sceptical” about genocide, p 220. John Hirst, *Sense and Nonsense in Australian History* (Melbourne: Black Inc., 2006)—“not shocked” at settler violence during the dispossession but “cannot be calm” at “cold-blooded cruelty” of child removal. “How Sorry Can We Be?” p 90.
  - 34 Henry Reynolds, *An Indelible Stain? The Question of Genocide in Australia’s History* (Melbourne: Viking, 2001), and Tony Barta, “‘They appear actually to vanish from the face of the earth.’ Aborigines and the European project in Australia Felix,” *Journal of Genocide Research*, forthcoming.

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### **Notes on Contributor**

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