



## Confronting Australian genocide

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'In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.'

— Article II, Convention on the Crime of Genocide<sup>1</sup>

Few Australians recognise that genocide was perpetrated here. 'We wiped them out' is a common belief about Tasmania's Aborigines — but even that acknowledged elimination doesn't accord with our current notion of genocide. For a very small minority, genocide means a fleeting knowledge of forced death marches, 85 years ago, of Armenian women and children from eastern Turkey to Syria. For the great majority, the perception of genocide resides in that other planet, Auschwitz, where the *mussulmänner*, scarcely human beings, are draped across the wire, awaiting gas and crematoria. Closer to home is a John Pilger documentary showing stacks of Cambodian skulls shattered by Pol Pot and his minions — a unique case of auto-genocide. The immediate lounge room image of genocide is Rwanda in 1994, presented as tribal savagery in darkest Africa; or of Kosovars or Bosnian Muslims fleeing torture, rape and mass death for obscure feudal reasons in unpronounceable arenas somewhere in a place known vaguely as the Balkans. How could any of these remote horrors have anything to do with democratic Australia?

<sup>1</sup> Convention on the Prevention and Punishment of the Crime of Genocide, United Nations, 9 December 1948.

### 'We are a moral people'

A curious national belief is that simply being Australian is sufficient inoculation against deviation from moral and righteous behaviour. In January 2000, a reporter asked Senator Amanda Vanstone, Minister for Justice, whether Konrad Kalejs, then a naturalised Australian and formerly a member of the notorious *Arajskomando* killing unit in Latvia in the Holocaust years, would be welcome here. The question was put as Kalejs, already deported from the United States and Canada, was about to leave London on the eve of British deportation proceedings. 'Would you expect a situation where any Australian citizen would not be welcome here?', replied the Senator.<sup>2</sup> In the same year, at the height of Australian reaction to criticism by the United Nations and other international agencies — on apologies and reparations for Stolen Children, and on mandatory sentencing laws in Western Australia and the Northern Territory — Foreign Minister Alexander Downer was indignant: 'We cannot', he declaimed to the ABC, 'breach human rights in this country — because we're Australians.'

In 1949, when Australia reluctantly ratified the Genocide Convention, a bipartisan parliament was aghast that Australia should in any way be associated with that dreaded 'g' word.<sup>3</sup> Liberal MP Archie Cameron declared 'no one in his right senses believes that the Commonwealth of Australia will be called before the bar of public opinion, if there is such a thing, and asked to answer for any of the things which are enumerated in this convention.' Labor MP Leslie Haylen was adamant that 'the horrible crime of genocide is unthinkable in Australia ... that we detest all forms of suicide ... arises from the fact that we are a moral people.'

These immediate postwar reactions would certainly have been based on cinema newsreel images of 'liberated' Buchenwald and Belsen. Such also was my imagery at the time, retained even two decades later when first teaching the politics of race in 1964.

On my arrival here from South Africa in 1961, Sir Keith Hancock, then Professor of History at the Australian National University, gave me a copy of the 1961 edition of his *Australia*. In 282 pages, he discussed Aborigines in 23 lines. 'Pathetically helpless when assailed by the acquisitive society of Europe, the invading British did their 'wreckers' work with the unnecessary brutality of stupid children.' 'From time to time [Australia] remembers the primitive people it has dispossessed, and sheds over their predestined passing an economical tear.'<sup>4</sup> That was it. About to embark on a doctoral study of

<sup>2</sup> *Daily Advertiser*, Wagga Wagga, 4 January 2000. The Senator is also reported to have said that she 'would welcome him at the airport, as she would any other Australian.'

<sup>3</sup> Tatz 1999: 1. It is instructive to read the Hansard record of debate on this ratification (vol. 203:1864-61). In some 19 pages, the fate of Jews occupied four or five lines. Aborigines were not mentioned. The bulk of discussion was devoted to possible or probable cold war 'genocides' in communist controlled or communist occupied Europe. Mr Blain, the Member for the Northern Territory, objected to the ratification bill: It was a slur on Australia because 'it deals with a crime of which no Anglo-Saxon could be guilty'. The Liberal Member for Henty, H. B. (Joe) Gullett, was eloquent in defence of events in immediate postwar Germany: 'It is a wretched spectacle to see many German generals, now old men, who, during the war, rendered good service to their country according to their lights, being subjected to every possible kind of degradation simply because in accordance with the ethics of their profession and acting under instructions from their government they carried out their duties as best they could.'

<sup>4</sup> Hancock 1961: 20-1.

contemporary Aboriginal life in northern Australia, my perception of the past was, in a phrase, 'unnecessary brutality' — by the brutish British, not by past or present Australians.

A decade later, Charles Rowley discussed the way in which Aborigines — and their physical killing — had been ignored by practically every historian to date. Rowley was always polite. Australian historians 'tended to play down' the history, consigning 'the moral and political issues to the past.' The 'mental block' had by no means disappeared when he was writing: there was a 'majority sentiment that raking up the misdeeds of the past serves no good purpose.' He quietly lamented the catchcry that 'what is done is done and should now be forgotten', but he was encouraged by the knowledge that 'a few young historians are beginning to work in the field of Aboriginal affairs.'<sup>5</sup>

Soon enough the works of Evans, Saunders and Cronin in 1975, Lyndall Ryan, Noel Loos and Henry Reynolds in 1981, and Noel Butlin in 1983, began to percolate, and then to trickle (rather than bubble) over into school and university curricula.<sup>6</sup> Here was physical killing, but because it occurred over long periods, in sporadic and episodic rather than in (seemingly) systematic ways, and because the killings were in twos, threes, even dozens at a time, it never entered the mind that this was genocide in any Armenian and Jewish sense. It seemed to be murder, mass murder at times, massacre often enough, bush pogrom perhaps, but nothing that could be equated with those appalling European and Near-Eastern events. Several ventured the word extermination. Butlin, who speculated that disease may have been 'a deliberate exterminating act' against Aborigines, did not conceive of that alleged 'action' in the language of genocide studies.<sup>7</sup> No one, except Michael Cannon,<sup>8</sup> used the term. Andrew Markus<sup>9</sup> shied away from the word, and Ann McGrath<sup>10</sup> was prepared to talk about attempted genocide in Tasmania, but not on the mainland. Henry Reynolds still admits to a reluctance about, or an avoidance of, the crime. Robert Manne and Raimond Gaita, in the forefront of the literature on removed children, wish that a more appropriate nomenclature, or a better or more flexible formal definition, could be found for what has happened in our country.

In the 1980s and 1990s, the developing preoccupation was with massacre. Myall Creek, Waterloo Creek, Forrest River, Bathurst, Orara River, Gippsland, Palmer River, Pinjarra, and Alice Springs became more familiar as sites of killing. But nobody was studying genocide theory and practice and no one was examining the Convention outlawing its attempt or implementation. No one was reading the Polish international jurist, Raphael Lemkin, who coined the word for the destruction of a genus of people in 1944. No scholar was looking at the fine print, or at the fact that the United Nations had created an international law which equated physical killing with such acts as imposing

5. Rowley 1970: 1-9.

6. Evans et al 1975; Ryan 1981; Loos 1981; Reynolds 1981; Butlin 1983.

7. For a discussion of disease as genocide, and of Butlin's views in particular (1983: 175), see Tatz 1999: 11-13.

8. Cannon 1990.

9. Markus 1990.

10. McGrath 1995.

birth control measures and forcibly transferring children. We were all steeped in Auschwitz, Treblinka, Sobibor and Belzec, in monstrous SS men, in Himmlers, Heydrichs and Hoesses. Who needed to look further than these men and their doings for an understanding of genocide? Who could look any further?

Tony Barta, an historian at LaTrobe University, was the first to penetrate the membrane that locked or blocked out the unthinkable notion of genocide having occurred in this moral country. At the German-Jewish Experience symposium in Sydney in 1985, he gave a paper entitled *After the Holocaust: consciousness of genocide in Australia*.<sup>11</sup> My paper, on the same day, reflected movement towards recognition of parallel themes or analogies — it was called *Racism, responsibility and reparation: South Africa, Germany and Australia*.<sup>12</sup> The editors asked me, with some disquiet and scepticism, whether Barta's 'surrealistic' vision should be included in the conference publication. I have a memory of momentary shame because I hesitated before saying 'yes'. Why hesitate? I think I was still afflicted with Downer's Syndrome, unwilling to believe that our Australian behaviour could, in any way, be analogous to this German criminality.

Peter Read's seminal essay, *The Stolen Generations*, was written in 1981.<sup>13</sup> It coincided with the work of Richard Chisholm, who had been writing about the policy that pervaded the Aborigines Welfare Board, certainly from 1912: the socialisation of children away from their Aboriginality.<sup>14</sup> Read and Chisholm triggered a memory of a research visit I had made to the Retta Dixon Home in Darwin in 1962. While inspecting the place with Miss Amelia Shankleton, she asked my wife to hold an infant boy. At tour's end, she asked my clearly doting spouse if we'd like to have him. 'What do we have to do?' we asked. 'A donation of 25 guineas will be acceptable', replied the amiable servant of the Australian Inland Mission. Incredibly, we didn't blanch at the prospective 'sale'. We drove around for an hour, contemplating, debating, and in the end decided no: to raise a child as both Aboriginal and Jewish would truly be a double cross.

In 1986, I studied the official records and archives of Holocaust history at Yad Vashem in Jerusalem. In lectures there, fleeting mention was made of Gypsy children removed from parents in Switzerland, of some 200 000 Polish children considered Aryan enough in looks to be stolen and taken to Germany as future soldiers of the Thousand Year Reich. I can't and don't speak for others, but in my case the synapses finally connected a variety of concepts and realities: irrational prejudice acted upon; scientific racism; nationalism; physical killing; Native Police 'dispersing' Aborigines; the eugenics movement; doctrines of racial purity; obsession with degrees of 'bloodness'; all that Australian legal and administrative language — mixed-blood, half-caste, quadroon and octoroon; forced assimilation; systematic destruction of the essential institutions and foundations of particular societies; causing serious mental and bodily harm to particular groups; transfer of children and their 'socialisation away from their Aboriginality'; official policies which aimed at 'eventually forgetting that there were

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11. Barta 1985: 154-61.

12. Tatz 1985: 162ff.

13. Read 1983.

14. Chisholm 1985: 18.

ever any Aborigines in Australia', and so on. If we add together each of these factors, the answer comes out as genocide.

What has happened to the word genocide in the Australian context? Have historians, social scientists and a few lawyers contrived to find, or squeeze, or even manufacture ingredients to support a new-fangled crime? Is this use of the ultimate word in our lexicon merely a fit-up, a contrived calumny, for such vague reasons as hating Australia or wanting to see Australia squirm on the hook of guilt and shame? Is this simply political correctness and moral blackmail? Or is it a case of some Australians finally catching up with a reality that has been with the world for some thousands of years, although only formally defined and criminalised a mere 50 years ago?

As we know it today, the sub-discipline of Aboriginal history is barely 34 years old, baptised by this very history journal. The serious analysis of genocide in Australia is less than half that age. The youth of both may help explain why a few dozen 'moral' democrats and humanists — a coterie of conservative politicians, a half-dozen broadsheet and tabloid journalists, a barrister, a pair of retired senior bureaucrats and a quartet of freelance academics — feel emboldened enough to want to snuff it out.

### The matter of intent

Auschwitz overwhelms, as it should. The Bible tells us about Hittites, Ammonites, Midianites, and Moabites who were slain in their legions — and disappeared, forever. In 416 BCE, the Athenians eliminated the population of the island of Melos. The Spanish conquistadors did their best to annihilate the native inhabitants of Hispaniola, reducing some five million people in 1496 to less than 20 000 by 1518. Turkey eliminated half of its three million Armenians between 1915 and 1923, saving some, forcibly adopting and converting others. Stalin contrived to eliminate 20 million Soviets between 1919 and 1939, mainly by starvation, because they were land-owning peasants or belonged to 'unacceptable' tribes, like the Ingush, Tatars and Chechens. In little Burundi, 120 000 Hutu were put to the machete between 1962 and 1972. As many as three million Bengalis died giving birth to Bangladesh in 1971, and so on.

But no other event has matched the Nazis' messianic achievement. No one else made murder an end in itself by establishing industrial camps to manufacture death, and collect its by-products of spectacles and artificial limbs for recycling, and of hair, false teeth, gold teeth and body fat. Nowhere else was there a factory timetable, with targets of 10 000 to 12 000 *stukke* (pieces) per day, in Auschwitz, Belzec, Treblinka, Majdanek and Sobibor — until all of Europe, the world perhaps, was *Judenfrei* (free of Jews).

In passing, note the moral obtuseness in Attorney-General Garfield Barwick's refusal in 1961 of a Russian request for the extradition of Estonia's Ervin Viks, responsible for thousands of deaths in the above manner and context: 'there is the right of this nation, by receiving people into its country, to enable men to turn their backs on past bitternesses and to make a new life for themselves and for their families in a happier community.'<sup>15</sup> Ditto Konrad Kalejs, among other such welcome Australian citizens.<sup>16</sup>

<sup>15</sup> Tatz 1997: 327.

<sup>16</sup> Aarons 2001.

Neither the volume nor the mass of death makes genocide. While numbers are hardly inconsequential, tallies are not the essence of the crime, as Australian denialists assert.<sup>17</sup> It isn't the short, sharp encapsulated time frame — such as 1915–23 in Turkey, or 1941–45 in Nazi-occupied Europe — that constitutes genocide. It isn't even the technology used, whether individual killing or mass murder. Legally, genocide hinges on the words I have italicised in the definition: 'genocide means any of the following acts committed *with intent* to destroy, in whole or in part, a national, ethnical, racial or religious group, *as such*.'

The legal definition — the only one that establishes the crime — is deeply flawed. It omits political groups from the victim list and it says nothing about the role of the state in perpetrating genocide. It equates what to me, and to most others, are acts that are clearly unequal in outcome, and probably in intent. I see a difference in scale or nature between the shooting of Armenian men and the forced death marches of women and children to Syria, on the one hand, and the forced transfer of Christian Armenian children to Turkish Muslim families on the other. Is there not a similar qualitative difference between the slaughter — by club, poison and gun — of 10 000 Aborigines in Queensland between 1824 and 1908, or of 20 000 across the country from 1788 to 1928, and the forced assimilation of Aboriginal children in the twentieth century? The Convention allows no degrees or levels of genocide. There are different levels, by both objective and subjective standards, and there ought to be an equivalent of the American criminal justice system, which would allow us to distinguish differences in action and motive, for example, as between physical killing (genocide 1), and sterilisation of some members of a group (genocide 2), and so on.

Those who seek to exculpate Australia as a genocidal state may well argue my very point: that the mind can't readily equate, for example, gas chambers with removal of children. Those who reject this equation are not denialists in the Holocaust denialist sense. However, as we will see, it is one thing to disparage the Genocide Convention's equating the seemingly unequal and quite another to deny that any killing took place in this country, or to assert that children were never removed unilaterally. (To contend that child removal shouldn't be a crime may make for an interesting academic debate — but it is there, writ large in international law.)

Since 1948, academics in several disciplines have worked hard at improving the legal definition. By July 1998, it looked as though their efforts would bring about change. The world's delegates met in Rome to plan the new International Criminal Court, the constitution of which includes the most comprehensive list of national and international crimes ever assembled. Unfortunately, it defines genocide verbatim from the 1948 Convention. I asked an American delegate<sup>18</sup> how this could have come to pass. She explained that had the framers of the new body attempted an improved or graduated, or at least an expanded, definition, nearly all the signatory States to the present Convention would have declined to be party to the new Court. It seems that nearly all nations — Russians and Americans especially — have regret about having signed in 1948.

17. Windschuttle 2000, *Quadrant*, October: 8-21; *Quadrant*, November: 17-24 ; see also McGuinness *Sydney Morning Herald*, 14 September, 2000.

18. At the Association of Genocide Scholars Conference in Madison, Wisconsin in 1999.

Impunity is, of course, what all perpetrators seek.<sup>19</sup> (It is also likely that Australia won't be party to the new court, certainly not under the Coalition government and probably not under Labor.)

The fulcrum of genocide is 'intent', in two senses: premeditation and the specificity of the victims of that mindset. Criminal law refers to intent as *mens rea*, the state of mind, the aforethought (usually malicious) to commit a crime. The Genocide Convention is clear on this point. The words 'as such' are vital: the United Nations clearly required prosecutors to indict perpetrators who not only wanted to kill specific peoples but who wanted to kill them specifically (and perhaps only) because they were those people.

'As such' has not been sustainable in the case of South American tribes. In 1974, two international agencies charged Paraguay with complicity in the genocide of the Aché (Guayaki) Indians.<sup>20</sup> Charges included enslavement, torture, killing, withholding food and medicine, massacre outside their reservations, splitting families, selling children into slavery, denying their language, customs and religious practices. Paraguay admitted that there were victims and victimisers but denied that the Aché were killed because they were Aché: they died as a result of industrial 'progress', not because of who they were. Similarly, Brazil consistently denies genocide of Amazon Indians because 'the crimes were committed for exclusively economic reasons, the perpetrators having acted solely to take possession of the lands of their victims.' Murder? 'Yes', said the killers. Genocide? 'No', according to the defenders of these killers.

Did Australians ever kill Aborigines with the intent of destroying them, 'in whole or in part', because they were Aborigines? If much of this early killing was done privately, by squatters and settlers, were the colonial authorities complicit by countenancing these events? Were Aborigines simply in the way of the economic progress of the cattle or mining industries? Did Australian governments, and their agents of policy — the mission societies and the pastoralists — ever introduce or condone practices that caused serious bodily or mental harm to Aborigines *qua* Aborigines? Did any official policies or practices inflict conditions of life calculated to bring about their total or even partial physical destruction? Did the Native Police 'disperse kangaroos' or shoot Aborigines?<sup>21</sup> Has any government agency ever tried to prevent Aboriginal births? Has any government 'forcibly transferred' Aboriginal children to another group? Equally pertinent is this question: even if none of these things occurred, or if none are provable as having occurred, has any government 'attempted to commit genocide' or been 'complicit in genocide', both punishable offences under the Convention?

19. Peter Drost, Irving Louis Horowitz, Helen Fein, Israel Charny, Frank Chalk, Kurt Jonassohn, Henry Huttenbach and Australia's Jennifer Balint, among others, have produced broader and perhaps better definitions of genocide. Most, if ever adopted, would widen the net of 'perpetrators'. Huttenbach's 'genocide is any act that puts the very existence of a group in jeopardy' is so broad as to make virtually anyone who breaches another's human rights a 'perpetrator'.

20. Kuper 1981: 33-34.

21. Kimber 1997: 33-65.

### Australia and Article II

My two recent papers on genocide can be read rather than be re-stated here. The 1997 chapter<sup>22</sup> reflects on the politics of remembering and forgetting in the Jewish, Armenian and Aboriginal contexts. The 1999 research essay<sup>23</sup> addresses images of genocide, the physical and social attacks on Aboriginal society, disease as genocide, and examines how each of the clauses in Article II may or may not apply to Australia. However, several aspects of genocide and of the Convention need comment here.

The disease-as-genocide thesis is common in many texts. Butlin was its chief proponent: 'it is possible and, in 1789, likely that infection [smallpox] of the Aborigines was a deliberate exterminating act'.<sup>24</sup> Accident is not genocide and genocide is never accident. It isn't feasible that a fleet of soldiers and settlers, themselves suffering huge losses from a disease they didn't understand, ignorant of the germ theory that would explain such diseases nearly 100 years later, could conceive of extermination by deliberately inflicting 'variolous matter' on the native peoples. This by-product of colonial invasion was catastrophic, but not intentional.<sup>25</sup>

The massacres and the organised killings, two of which were as recent as 1926 and 1928, were killings of Aborigines because they were Aborigines. White settlers, according to Evans et al, killed some 10 000 blacks in Queensland between 1824 and 1908.<sup>26</sup> Considered to be wild animals, vermin, scarcely human, hideous to humanity, loathsome, and a nuisance, they were fair game for white 'sportsmen'. In 1883, the British High Commissioner, Arthur Hamilton Gordon, wrote privately to his friend William Gladstone, Prime Minister of England:

The habit of regarding the natives as vermin, to be cleared off the face of the earth, has given the average Queenslander a tone of brutality and cruelty in dealing with 'blacks' which it is very difficult to anyone who does not know it, as I do, to realise. I have heard men of culture and refinement ... talk, not only of the wholesale butchery ... but of the individual murder of natives, exactly as they would talk of a day's sport, or having to kill some troublesome animal.

In 1896, Archibald Meston was appointed Royal Commissioner to investigate the slaughter. In his Report on the Aborigines of North Queensland,<sup>27</sup> he wrote that the treatment of the Cape York people was 'a shame to our common humanity'; their 'manifest joy at assurances of safety and protection is pathetic beyond expression. God knows they were in need of it.' Aboriginal people met him 'like hunted wild beasts, having lived for years in a state of absolute terror.' He was convinced their only salvation lay in strict and absolute isolation from all whites, from predators who, in no particular order, wanted to kill them, take their women, sell them grog or opium. The world's first anti-genocide statute — the *Aboriginals Protection and Restriction of the Sale of Opium Act 1897* — followed.

22. Tatz 1997: 308-61.

23. Tatz 1999: 15-52.

24. Butlin 1983, p.175 especially.

25. See Tatz 1999: 11-13, for a fuller discussion of this point.

26. Evans et al 1975: 75-78.

27. Tatz 1999: 15-16.



The more loosely worded clauses in Article II bear examination. II(b) — 'causing serious bodily or mental harm' — has never, to my knowledge, been used or invoked anywhere to bring, or sustain, an allegation of genocide. Nor has II(c) — deliberately inflicting destructive conditions of life. The latter has strong echoes of the forced labour and slave camps under the Nazis, but the former is a generalised and a less contextualised act, one which is, I believe, sustainable in our context.

Ironically, or perversely perhaps, protection-segregation practices, operative for more than half of the twentieth century, amounted to both bodily and mental harm. Within the ambit of II(b) are the following 'protections': draconian laws in all States and the Northern Territory; a separate legal status for Aborigines — as perpetual minors and wards; incarceration on reserves, settlements and missions in every jurisdiction; destruction of hunter-gatherer systems by such confinement in these penitentiary-like institutions; unappealable and unsupervised powers of officials and missionaries to imprison for offences which only Aborigines could commit, especially in Queensland; powers to exile Aborigines, without families, often for life, to remote and inaccessible penal colonies like Palm Island, Yarrabah and Woorabinda; compulsory communal kitchens, further breaking down familial patterns in the Territory; removal of children across the nation, in Victoria as early as the 1840s; removal of women and boys to segregated dormitories; removals of whole clans and societies to new 'lands', sometimes at gunpoint in Queensland; work for rations only, and then later for rations and a pocket money component in northern Australia; imprisonment for refusing to work in Queensland; abolition of ceremonies that offended white officialdom, especially in Queensland; outlawing of Aboriginal painting at Elcho Island mission; control and guardianship of all children even while natural parents were present in most jurisdictions; official control over marital and sexual relationships in the Territory; denial of access to alcohol, gambling, reading and film material in most of the country; apprenticeships and indentures without payment to the individual but, instead, to the Welfare Board in New South Wales; prohibitions on trade union membership and ineligibility to vote at elections for much of the last century. Some of these practices — often administered beyond the letter of the law<sup>28</sup> — could well fit within Article II(c).

From time to time allegations surface that State medical services engaged or engage in administering contraceptive 'therapy' without informing the women of its purpose: in Western Australia, the use of Depo-Provera, producing three-to-six month infertility. Depo-Provera, by injection, has alarming side effects, necessitating dire warnings about contra-indications and the need for stringent physical examination before administration. Another allegation is the permanent sterilisation of Aboriginal women: in Queensland, a series of 'non-explained' tubal ligations.<sup>29</sup> These birth prevention issues need careful research.

There is another, paradoxical sense in which we should pay more attention to II(d), preventing 'births within the group'. Attempts were first made by Victoria in the 1860s and 1880s, then later by senior bureaucrats in the 1930s and 1940s, to ensure births outside rather than within the group. C.F. Gale and later O.A. Neville in the West, Dr W.E. Roth and later J.W. Bleakley in Queensland and Dr Cecil Cook in the Northern

<sup>28</sup> Tatz 1963: 17.

<sup>29</sup> Moody 1988: 324-26.

Territory actively sought every form of separation possible between 'half-castes' and 'full-bloods'. Their collective efforts bore fruit at the meeting of Commonwealth and State administrations in Canberra in 1937: 'The destiny of the natives of Aboriginal origin, but not of full blood, lies in their ultimate absorption by the people of the Commonwealth, and it therefore recommends that all efforts shall be directed to this end.' This meant child removal, 'breeding them white', and 'dismantling' everyone who was regarded as less than 'full-blood'. The Administrator's report for the Northern Territory in 1933 had this to say:<sup>30</sup>

In the Territory the mating of an Aboriginal with any person other than an Aboriginal is prohibited. The mating of coloured aliens with any female of part-Aboriginal blood is also forbidden. Every endeavour is being made to breed out the colour by elevating female half-castes to the white standard with a view to their absorption by mating into the white population.

Neville had a three-point plan: first, the full-bloods would die out; second, he would take half-castes away from their mothers; third, he would control marriages among half-castes and so encourage intermarriage with the white community. The 'young half-blood maiden is a pleasant, placid, complacent person as a rule, while the quadroon [one-quarter Aboriginal] is often strikingly attractive, with her oftimes auburn hair, rosy freckled colouring, and good figure ...' These were the sort of people who should be elevated 'to our own plane'. In this way, it would be possible to 'eventually forget that there were ever any Aborigines in Australia.' In this way, too, births would be prevented within the half-caste, quadroon and octoroon societies because their offspring would henceforth be non-Aboriginal.

Eugenics, as a science of animal pedigree, can only work in controlled stud and stock farms. Fortunately, societies can't be regulated in the veterinary sense, but Neville, Bleakley and Cook certainly intended the disappearance of the 'part-Aboriginal' population by 'eugenicising' many of them. This was a clearly articulated intent to commit what would come to be called genocide. The Convention talks about the 'intent to destroy, in whole or in part': it doesn't say that the crime requires successful completion.

We need careful examination of the applicability of the word destroy in the definition. 'Destroy' was clearly used in the immediate aftermath of World War II with its tally of 50 million dead across the globe. Destroy is a negative, pejorative verb, resonant of evil, wantonness, violence. With hindsight and lapse of time, that is what can now be read into it. But, as with all statutes, we are obliged to look at the ordinary or plain meaning of the word(s), not at what we think the framers intended, or felt, at the time.

'Destroy' brings to light an issue current in the debate about the Stolen Generations, namely, that whatever was done in this country was done with good intent, and therefore could not, by definition, be genocidal. In 1997, *Bringing Them Home: the report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, concluded that child removal was an act of genocide. The essence of the crime, it said, was acting with the intention of destroying the group, not the extent to which that outcome resulted. The forcible removals were intended to 'absorb',

<sup>30</sup> Tatz 1999: 27ff.

'merge', 'assimilate' the children 'so that Aborigines as a distinct group would disappear.' That such actions by perpetrators were in their eyes 'in the best interests of the children is irrelevant to a finding that their actions were genocidal.'<sup>31</sup>

We always assume that 'with intent to destroy' means intent with *male fides*, bad faith, with evil intent. Nowhere does the Convention implicitly or explicitly rule out intent with *bona fides*, good faith, 'for their own good' or 'in their best interests'. Starkman's is but one of several opinions that the reasons for the crime, or the ultimate purpose of the deeds, are irrelevant: 'the crime of genocide is committed whenever the intentional destruction of a protected group takes place.'<sup>32</sup> Storey points out that 'genocide does not require malice; it can be (misguidedly) committed 'in the interests' of a protected population'.<sup>33</sup> Elazar Barkan<sup>34</sup> asks whether there can be genocide 'despite ostensibly good intentions': 'The illegitimacy of the white man's burden may suggest that indeed the answer is affirmative.' Gaita contends that 'the concept of good intention cannot be relativised indefinitely to an agent's perception of it as good'. If we could, he writes, then we must say that Nazi murderers had good, but radically benighted intentions, because most of them believed they had a sacred duty to the world to rid the planet of the 'race' that polluted it.<sup>35</sup>

In this volume, Larissa Behrendt discusses the nature and significance of two important legal cases — *Nulyarimma & Others* and *Kruger v Commonwealth*. The Peter Gunner and Lorna Cubillo cases<sup>36</sup> in the Northern Territory were also lost. My criticism of the plaintiffs' cases in *Kruger*, *Gunner* and *Cubillo* is that they failed to confront the issue of whether any, or all, of the physical or social actions complained of fall within the ambit of Article II. In *Nulyarimma*, the statement of claim was that by securing the Wik ten-point plan legislation in 1998, senior Coalition ministers committed specified and unspecified acts of genocide. One has to say that, by any yardstick, the Wik judgment was hardly the worst experience to have befallen Aborigines since 1788.

Irrespective of these outcomes, I place great store in trials. They posit a *prima facie* case that 'something happened'. They usually establish the victims and perpetrators; certainly they establish the actors. Trials produce both historical and contemporaneous documents (of permanent record). They produce eyewitness accounts from all actors — victims, alleged perpetrators and bystanders or observers. Trials are not undertaken in the pragmatic belief that every case will be won, that all charged in criminal court will be convicted, or that all plaintiffs will be awarded damages in civil suit. Trials are a contention, an articulation by the state, or by parties against the state, under strict rules of evidence, in a legal theatre. Trials are a public declaration that there are moral and ethical values which society should sustain. Trial records are infinitely more powerful educative tools about contemporary social and political history, and values, than the passive voice and the indirect speech of history texts, or of essays like this one.

<sup>31</sup> Human Rights and Equal Opportunity Commission 1997: 270-5.

<sup>32</sup> Starkman 1984: 1.

<sup>33</sup> Storey 1997: 11-14.

<sup>34</sup> Barkan 2000: 247.

<sup>35</sup> Gaita 1997: 21.

<sup>36</sup> *Lorna Cubillo, Peter Gunner v Commonwealth of Australia*, [1999] FCA 518.

### Admissions and denials

The years 1997 to 2000 were crucial for both admissions and apologies about the past, and for vigorous denials that anything needed admission or apology.

Earlier, in 1990, the Secretariat of the National and Aboriginal and Islander Child Care organisation (SNAICC) demanded an inquiry 'into how many of our children were taken away and how this occurred'. It wanted to know whether these policies fell within the definition of Article II(e). Prime Minister Paul Keating was the first senior politician to acknowledge that we 'took the traditional lands ... smashed the traditional way of life ... brought the diseases and the alcohol ... committed the murders ... took the children.'<sup>37</sup>

The Australian Archives presented a national exhibition, *Between Two Worlds*, a study of the Federal government's removal of Aboriginal 'half-caste' children in the Territory from 1918 to the 1960s.<sup>38</sup> It was a brilliant depiction of one facet of genocide, without using the word. Throughout this entire history, there were exceptionally few men and women who heard whispers in their hearts that anything was awry or amiss.<sup>39</sup> One who did was the late E.C. (Ted) Evans, then Chief Welfare Officer, whose exhibited letters to the Administrator urged that removals cease: because, he wrote, they were intrinsically evil and because the world would never understand either the motives or the practices.

By 1994, Aborigines at the *Going Home* conference in Darwin felt sufficiently confident to begin planning civil lawsuits against governments and missions for the forcible removal of children and the break-up of family life.

*Bringing Them Home* became a best seller when published in April 1997. Within a month, some States were apologising.<sup>40</sup> South Australia apologised for 'the mistakes of the past', including 'any relevant actions of South Australia Police', and regretted 'the forced separation of some Aboriginal children.' Western Australia apologised for children removed, an act which 'encompasses acknowledgment by the Western Australian Police Service of its historical involvement in past policies and practices of forcible removal.' In June, New South Wales apologised unreservedly 'for the systematic separation of generations of Aboriginal children from their parents, families and communities', regretting parliament's passing of laws and endorsement of policies which produced such grief. The NSW Police Commissioner offered an apology on behalf of his Service in May 1998. In June 1997, the ACT Legislative Assembly, with no removals to apologise for, nevertheless did so as a symbolic gesture.

The Tasmanian parliament, but not the police, regretted and apologised for 'removed children' in August 1997. A month later, Victoria apologised, expressing 'deep regret at the hurt and distress' caused. The police indicated that enforcing policies 'that now are acknowledged as racist' are a 'significant cause of distrust of police.'

37. The Redfern speech, December 1992, quoted in Tatz, 1999: 41.

38. The exhibition was held in 1993-94. It is now in book form: see MacDonald 1997.

39. Henry Reynolds, 1998, has written elegantly about the people who couldn't satisfy their consciences, who worried about the Aboriginal-white relationship, who said so publicly and who attempted some kind of action to try to change the way things were.

40. Senate Legal and Constitutional Affairs Reference Committee 2000: 129-38.

Queensland, in May 1999, apologised for the 'Indigenous children [who] were forcibly separated', but the Police Service did not.

In 1998, the Northern Territory Legislative Assembly castigated the 'empty-apology option' taken by other parliaments. The Chief Minister had earlier told the National Inquiry that the Territory, self-governing since 1978, wasn't party to child removal (it wasn't) and that apology and compensation 'are matters for Commonwealth consideration'.

In November 2000, a Senate committee reported on the Federal government's implementation of the recommendations made in *Bringing Them Home*. Their document *Healing: a legacy of generations* recommended a 'Motion of national apology and reconciliation ... gesture of good faith' by the Northern Territory parliament, and the establishment of a Reparations Tribunal.<sup>41</sup> This Committee, with two dissenters, interviewed over a hundred witnesses, and received numerous written submissions from churches, government agencies and Aboriginal individuals and organisations. It produced compelling evidence for the conservative Federal government to do what it has so steadfastly refused to do.

Initially, Howard's government refused to make a formal submission to the national inquiry chaired by Sir Ronald Wilson. Under pressure, it did so just short of the deadline, in October 1996. Written by unnamed bureaucrats, sourced as *Anonymous: Commonwealth Government*, it declared — in advance of the findings — that the government would not compensate for child removal. In judging these practices, it said, 'it is appropriate to have regard to the standards and values prevailing at the time of their enactment and implementation, rather than to the standards and values prevailing today.' It ended with a remarkable rationalisation: 'there is no existing objective methodology for attaching a monetary value to the loss suffered by victims.'<sup>42</sup> Restitution, it argued, would cause intolerable inequities, but it didn't say to whom.

When *Bringing Them Home* was released, media attention focused heavily on acknowledgment and apology. When pressed, the Minister for Aboriginal Affairs (then) Senator John Herron and the Prime Minister — neither of whom, I believe, had any thoughts of their own on the matter — appropriated the exact wording of the bureaucracy's inquiry submission and locked themselves into these 'principles': restitution was not possible, there was no methodology for it, it would create 'new injustices', formal apology could open the way for lawsuits, all this happened yesteryear, and, in a new version of 'for their own good', removal was akin to Anglo children being sent to boarding school. Furthermore, some very successful Aborigines had come through these assimilation homes. Finally, in words that echo popular misconceptions, Herron declared: 'This practice could not be described as genocide as it did not involve an intentional elimination of a race.'<sup>43</sup>

<sup>41</sup>. Senate Legal and Constitutional Affairs Reference Committee 2000: xvii-xviii.

<sup>42</sup>. Yet Germany has (twice) given us a reparations model, and at the end of 1998 found the will to compensate the surviving slave labourers of over half a century ago. The Swiss banks — 'inheritors' of Jewish deposited money — have now given us another model.

<sup>43</sup>. Herron, ABC Radio, 27 May 1997, in *The Australian*, 27 May 1997.

With a degree of reluctance, the Prime Minister offered his personal apology. A formal apology, he insisted, would set up a chain of claims for reparation. Further, 'Australians of this generation should not be required to accept blame for past actions and policies.' Howard, like so many, claims that the present generation is not responsible for the past: yet the present inherits the riches, the spoils and the acquisitions of the past and, in so doing, it also inherits the historical debts. In August 1999, the Federal parliament shed its own minimalist tear, its 'deep and sincere regret' for past injustices — but without apology.

The low-water mark of the government's intransigence was Senator Herron's support for, and endorsement of, a paper written by his bureaucrats to the Senate *Healing* inquiry in April 2000. It denigrated and diminished the Stolen Generations issue. Herron contended that since an entire generation was not removed but perhaps only one in ten children, one could not use the phrase 'Stolen Generation(s)'. This sophistry produced a national outcry which further fuelled Aboriginal (and non-Aboriginal) determination.

An even lower point was reached when the esteemed Aboriginal elder, Lowitja O'Donoghue, told a Melbourne journalist, Andrew Bolt, that she preferred to describe herself as removed rather than stolen.<sup>44</sup> The talkback 'stars', a few tabloids and the Prime Minister rejoiced in the inference that if she, of all people, wasn't stolen, then no one was.

In October 1999, an Anti-Genocide Bill was introduced privately by West Australian Democrat Senator, Brian Greig. A Senate committee inquired into the Bill, examining, *inter alia*, the adequacy of Australia's implementation of the Genocide Convention, with particular attention to finding an appropriate definition of the crime, the status of the Convention in Australian law, and the appropriateness of retrospectivity of any such new law. In June 2000, the Committee's *Humanity Diminished* recommended 'that the parliament formally recognise the need for anti-genocide laws'. In April 2001 the debate on the Bill was adjourned indefinitely. If it is ever debated, I doubt it will be passed, irrespective of party in office: we persist in refusing to confront the genocide issue in this country.

Amid these State and church apologies, and despite the work of Raimond Gaita, Robert Manne and Colin Tatz, the national and Senate inquiries, and the careful journalism of Debra Jopson and others, a denial industry was born.

Denialism takes several forms. First, the denial of any past genocidal behaviour, whether physical killing or child removal. Second, the somewhat bizarre counterview that whites have been the victims. Third, the hypothesis that concentration on unmitigated gloom (Professor Kenneth Minogue's phrase), or on the black armband view of history (Professor Geoffrey Blainey's phrase), overwhelms the reality that there has been more good than bad in Australian race relations.

Denials are accompanied by, or based on, several strange moral equations. Thus, the Holocaust equals past bitternesses (Barwick); removal of children is good for them (Howard-Herron); Aboriginal pluses outweigh the minuses (Blainey-Minogue-

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<sup>44</sup> *Herald Sun*, 23 February 2001.

Howard); and that, at most, Australian racism is no more than 'a sentiment rather than a belief, involving rejection of, or contempt for, or simply unease in the presence of, people recognised as different' (Minogue).<sup>45</sup>

The Witnesses for the Defence, as Padraic McGuinness styles himself and his colleagues, are remarkable for their anorexic arguments and, at times, quite silly explanations. In concert with a few academics, a small coterie of journalists — lacking any academic or practical credentials in Aboriginal affairs — contrive to claim, *inter alia*: that the charge of genocide is either pedantry or mischief; that Australia didn't commit genocide by forced removal because, if we had, we would have prosecuted the crime (when committed by Federal and State bureaucrats?); that many or even most removals were with parental consent; that only a 'small number' (12 500) were removed, citing an Australian Bureau of Statistics 1994 survey to support the mini-removal thesis; that removal was akin to white kids at boarding school; that many benefited from removal; that Aboriginal leaders were assimilationists; that since earlier anthropologists didn't find genocide, it couldn't have occurred; and, finally, some — but unspecific as to number — who assert genocide 'are of Jewish background and have an interest in the Holocaust'.

Ron Brunton attacked the National Inquiry because, as an anthropologist, he wished to protect the standards of science — and he strongly believed the inquiry to be deeply flawed.<sup>46</sup> He is concerned at the 'role of suggestion in creating false memories of events that never really happened.' He castigates the failure to distinguish 'truly voluntary' and 'coerced' removals. He asserts that my 'silence' on genocide over the years makes it look suspicious that I — 'the doyen of genocide studies' — 'suddenly' use the word now. Had I spoken out earlier, this 'certainly would have brought a very rapid end to the supposedly genocidal practices'. He is aware of the Genocide Convention but rails against the 'elasticity' of the crime, at being asked to equate 'misguided child welfare' with the skeletons hanging off the wire at Auschwitz.

Kenneth Maddock, reviewing Colin Macleod's patrol officer memoir,<sup>47</sup> suggested that two noted anthropologists thought well of the assimilation homes where 'half-caste girls' could find haven from sexual predation and depravity. He pointed to the 'significant silence' of anthropologists Marie Reay and (the late) Diane Barwick, neither of whom ever mentioned genocide. Later, he pointed to the silence of all anthropologists.<sup>48</sup> He quotes the Australian Law Reform Commission report on customary law as saying something it should never have said — that 'genocide is restricted to forms of physical destruction'. He talks of the 'absurdity' of imputing evil to the Aboriginal authorities in Darwin. Besides which, his three academic acquaintances who worked with these authorities — Tatz, 'the outspoken political scientist', the pre-historian Carmel White and the anthropologist John Bern — 'were of Jewish background and interested in Israel'. Even they, with Zionistically-attuned antennae, 'caught not a whiff of genocide'.

45. Minogue 1998: 11-20.

46. Brunton 1998: 19-24.

47. Maddock 1998: 347-53.

48. Maddock 2000: 11-16.

An array of conservative critics now refute genocide and/or the gloom and mourning pervading Aboriginal colonial history. Some are reputable academics like historian Geoffrey Blainey, British political scientist Ken Minogue, anthropologist Ken Maddock and Keith Windschuttle, a former lecturer in social policy and media studies. Some are senior politicians — John Howard, John Herron, Bill Hayden and former premiers Wayne Goss and Ray Groom. Goss, when Queensland Premier, insisted on the removal of such 'offending' words as 'invasion' and 'resistance' from Queensland school texts. Former Tasmanian Premier Ray Groom contended that there have been no killings in the Island State — making him, in effect, Australia's foremost genocide denier in the 1990s.<sup>49</sup>

There is a journalistic group vehement about the *Bringing Them Home* material: between them, Piers Akerman, Andrew Bolt, Frank Devine, Michael Duffy, Padraic McGuinness, Christopher Pearson and Bill Hayden, who now serves on the board of *Quadrant*, have described the entirety of *Bringing Them Home* as a hoax, a monument to false memory syndrome. Hayden sees the 'use of victimhood as some sort of heavy waddy for punishing the guilty mass'. Furthermore, the inquiry exercise showed 'the extraordinary display of legal gullibility by Sir Ronald Wilson'.<sup>50</sup> Devine talks of 'frail wisps of evidence' and 'manufactured' case studies.<sup>51</sup> McGuinness considers 'truth, sentiment and genocide as a fashion statement', and the 'whole Wilsonian edifice' of *Bringing Them Home* as 'built on sand'.<sup>52</sup> In his attack on Reynolds, Keith Windschuttle, the latest defence witness, labels the 'alleged' physical killing as the 'myths of frontier massacres' and as 'the fabrication of the Aboriginal death toll'.<sup>53</sup>

Windschuttle is author, *inter alia*, of *The killing of history*.<sup>54</sup> This 1996 book — a concerted attack on structuralism, poststructuralism, cultural relativism, postmodernism and assorted other new theories — stoutly defends traditional history, especially that of Rowley and Reynolds. By 2000, he had experienced a conversion and joined the company of McGuinness, ex-Liberal cabinet minister Peter Howson, former Assistant Administrator of the Northern Territory Reg Marsh, barrister Douglas Meagher, Brunton and others. But in his case, he was refuting the history of killing, with blistering attacks on Reynolds, his historical veracity, his sources and, above all, his 'numbers dead'.

Geoffrey Blainey is not a denialist in this vein. But he has now backtracked on a phrase he claimed was never anti-Aboriginal in the first place, the phrase that so enamoured the Prime Minister — 'the black armband view of history'. In 1997, Blainey disparaged the way in which interpretations of Aboriginal issues had allowed 'the minuses to virtually wipe out the pluses'. The swing of the pendulum was 'wild' and even the High Court was 'that black armband tribunal'.<sup>55</sup> He now claims he was refer-

49. *Australian*, 25 October 1994.

50. *Sydney Morning Herald*, 12 October 2000.

51. *Australian*, 14 September 2000.

52. *Sydney Morning Herald*, 14 September 2000.

53. See footnote 15.

54. Windschuttle 1996.

55. 'Black Future', *The Bulletin*, 8 April 1997; see also *Sydney Morning Herald* editorial, 18 November 1996.



ring to such matters as the environment, for which he was and is in mourning and, Australian football fan that he is, he insists his metaphor was born out of the practice of these footballers wearing a black arm stripe when someone connected with the game dies.<sup>56</sup>

There is also a netherworld of radio talkback 'philosophers', Alan Jones, John Laws, Stan Zemanek, Howard Sattler.<sup>57</sup> What many of these self-confessed 'entertainers' have in common — apart from a seeming antipathy to Aborigines generally and to the whole Aboriginal 'thing' — is that they do neither fieldwork nor homework. Like so many genocide denialists, they assert but don't demonstrate, they disapprove but don't ever disprove. They won't take on the burden of proving that Hamilton Gordon was lying when he wrote to Gladstone in 1883, or that Meston fabricated his evidence for a protective statute in 1896, or that Lieutenant Wheeler perjured himself when he told an inquiry in 1861 that he shot Aborigines. They could hardly sustain their views if ever they were in a civil suit witness box (which is where, I suggest, they should be 'coaxed' into being.) Rather, they rely on a new methodology: attacking the integrity of authors and witnesses. Reynolds, for example, now has 'a tattered reputation' and I am a scaremonger seeking to impale Australia on exaggerated history. Besides which, I am Jewish, with an interest in the Holocaust.

Are these denialists merely protecting themselves, and us, from a massive scam, as former senior bureaucrat and Senator, John Stone, would have us believe? He talks about 'the misplaced remorse' of the Australians and the 'well-groomed pseudo Aborigines ... whose sole personal achievement has been to climb aboard the lushly furnished gravy-train while holding out their hands for even more gravy.'<sup>58</sup>

These men behave in the manner of genocide denialists generally: either asserting that genocide never occurred here, couldn't have occurred here, could never occur here, or more commonly, they nibble at the edges, sniping at weaker points, in the hope (or belief) that if they can demonstrate one error of fact or figure the central and essential 'contention' of genocide will fall apart.

But why the denials? Robert Manne, who has devoted the past three years to a study of the Stolen Generations, published an essay in 2001 — *In denial: The Stolen Generations and the right*. A forensic counter to McGuinness and his team, he has meticulously and impeccably dissected their claims and assertions. In his final section, he asks 'why'? Motives differ he says: 'some of the anti-*Bringing Them Home* campaigners are now too old or proud to reflect on the cruelty of practices in which they were personally involved.' Others are 'former leftists who are so obsessed by the conduct of ideological combat against their former friends that they have come to believe that truth is simply the opposite of what they once believed'. 'Some are general purpose right-wingers who hunt in packs and can be relied upon to agree with whatever their political friends believe.'

Manne is less concerned with their motives than with what he calls the heart of the campaign, namely, 'the meaning of Aboriginal dispossession'. There is, he argues, 'a

<sup>56</sup>. *Australian*, 13 November 2000.

<sup>57</sup>. Mickler 1998, chapters 3 and 8; Adams and Burton 1997.

<sup>58</sup>. *Australian Financial Review*, 2 February 1995.

right-wing and populist resistance to discussions of historical injustice and the Aborigines'. Separation of mother and child 'deeply captured the national imagination': that 'story had the power to change forever the way they saw their country's history' — hence the imperative to destroy that story. This is an acute observation. However, this imperative doesn't explain their systematic attacks on the 'falsity' and 'fabrication' of the physical killing era.

We need to probe deeper than this. Are these men simply guilty officials, or just anti-leftists, or indiscriminate pack-hunting rightists? Are some amongst them — including a 'humanist' prime minister, two democratic premiers and a once-acclaimed politician turned Governor-General — not simply passionate defenders of national pride and achievement? Are they not just a collective St George slaying the author-dragons — black and white — who insist that we do, indeed, have a 'racist, bigoted past', because they know the truth — that we have no such past?

There can be no doubt that reparation and restitution to Aborigines are anathemas to the majority of Australians. Admitting 'past mistakes' is one thing: paying compensation for what was done is quite another. The Prime Minister and his servants have made this clear. Howard was willing to spend \$300 million on a gun buy-back scheme, but any similar or much lower figure on Aboriginal reparation is considered 'outrageous'. That there is a money motive in denialism is certain. But it is not just the money or the quantum thereof: it has much more to do with the attitudes towards the intended recipients of such money, as for example, John Stone's 'well-groomed pseudo-Aborigines' who pursue lush gravy-trains.

Consciously perhaps, Howard's refusal of a parliamentary apology has produced a separate politics of 'sorry', one which deflects and relegates the original forcible removal of children, the continuing removal through mandatory sentencing, and several other denials of human rights. Sorry, at this late juncture, isn't enough<sup>59</sup>: the longer the gap between the need for the token and its delivery (by someone other than Howard), the greater the chances that removed Aborigines will seek much more than apology.

I have another suggestion: that denialism in Australia is centrally about the place of morality in Australian politics. It is either a promotion of an especial Anglocentric nationalism, a particular Australian moral virtue, in which there is, by definition, no place for genocidal thoughts or actions, or it is an attempt to excise morality from political considerations — to create an amoral, economically-centred body politic. I'm not quite sure which it is, and it may turn out to be both.

Much of the denialism is, I believe, a propping up of this mythical national moral hygiene, of an idealised 'down under' way of life that is simply beyond comparison, or analogy, with the barbarisms of the Balkans or the murderous mindsets of the Nazis. As we see in daily sport *ad nauseam*, it is the Indian sub-continent and other 'foreign elements' — like East Germans and the Chinese — who cheat, throw matches, accept

<sup>59</sup>. Roy Brooks' book on the controversy over apologies and reparations, *When sorry isn't enough*, was published in 1999. It dealt with seven major case studies: the Jewish victims of Nazism, Japanese 'comfort women', Japanese-Americans, Native Americans, the slavery issue, the Jim Crow laws, and South Africa. Australia didn't rate a mention.

bribes or take drugs. Australians don't, or can't, do these things because we're Australians. It has been suggested that these journalists and former bureaucrats, who met in enclave and began publishing voluminously and simultaneously in *Quadrant* and the major newspapers in September 2000, did so to 'clean up' Australia's history of race relations before the Sydney 2000 Olympic Games. The timing was, indeed, a curious coincidence.<sup>60</sup>

Are they protecting the inherent 'moral gene' that runs through white and naturalised Australian veins? Or is it rather a case of their attempting to ridicule anything that acknowledges an underlying morality in politics, a moral nihilism which 'de-moralises' us all and leaves no room for issues of shame, guilt, atonement of any kind? In this way, for example, one doesn't have to think, or feel, about the refugees, the boat people and other 'illegals' imprisoned in camps in the deserts of South and Western Australia.

Australian denialists are not men with credentials in history, or in any other disciplines: they won't be writing the textbooks for our school and university curricula. They will hold their private and celebratory seminars — essentially to reinforce each other rather than to 're-educate' the public. They will produce *Quadrant* with an increase in *ad hominem* attacks, perhaps concentrating on those of Jewish 'background'. (If such were the case, I would prefer to be regarded as one of Jewish foreground, as someone morally bound to investigate all manners and matters of genocide.)

But whether they be senior political figures, once powerful bureaucrats, journalists or talk-back radio 'philosophers', they miss two essential by-products of their denialism: they keep otherwise potentially 'fading' issues very much alive, and they provoke infinitely more interest amongst, and research by, those who have the real qualifications, skills and ethics to do such work. In a bizarre sense, denialists — who see themselves as prophylactics protecting our society from a moral re-appraisal of past behaviours — are the fecund: they actually increase the fertility of research into those very behaviours. They can, however, take comfort in their one undisputed achievement — their ability to hurt the victim peoples.

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<sup>60</sup> See footnote 17.

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