

*– Section I –*

CONCEPTUAL AND  
HISTORICAL DETERMINANTS

– Chapter 1 –

# GENOCIDE AND SETTLER SOCIETY IN AUSTRALIAN HISTORY

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## The “Gorgon Effect” and Colonial Genocide

The Gorgon were three mythical sisters, originally beautiful priestesses serving the goddess of wisdom and war, Athena. After the only mortal among them, Medusa, was raped by Poseidon, they vented their anger by torturing men passing Athena’s temple. Outraged by such transgressions, Athena turned the sisters into hideous creatures whose image of “Hate, Violence, and Onslaught ... chills the blood.”<sup>1</sup> Ever since, the sight of the Gorgon has turned men to stone. Similarly, some have observed, the imagination and will of scholars freezes when they regard the Holocaust. Such is its enormity that conventional categories of analysis fail to apply, and conceptual activity is paralyzed.<sup>2</sup>

Judging by the comparative paucity of publications on colonial genocide, the metaphor of the “Gorgon effect” is equally relevant to this field of inquiry, although it is perhaps less a matter of awed passivity than willful blindness.<sup>3</sup> Consider this observation by a European historian of the Holocaust:

I think there may have also been a widely-held unspoken assumption that the mass of killing of African or American peoples was a distant

and in some senses an “inevitable” part of progress while what was genuinely shocking was the attempt to exterminate an entire people in Europe. This assumption may rest upon an implicit racism, or simply upon a failure of historical imagination; it leads, in either case, to the view that it was specifically with the Holocaust that European civilization—the values of the Enlightenment, a confidence in progress and modernity—finally betrayed itself. This view claims both too much and too little. If there had indeed been such a betrayal, had it not occurred rather earlier, outside Europe?<sup>4</sup>

At least some non-Europeans concur with this suggestion. “From the standpoint of numerous Asian and Third World scholars,” wrote one, “the Holocaust, alongside the killings of homosexuals, gypsies, and the purportedly deranged, visited upon the peoples of Europe the violence that colonial powers had routinely inflicted on the ‘natives’ all over the world for nearly five hundred years.”<sup>5</sup>

It is not necessary to join the polemic over the status of the Holocaust in relation to colonial genocides to recognize that vastly more scholarly and popular attention has been devoted to the former, and state-sponsored killing in the twentieth century in general, than to the latter.<sup>6</sup> The “Gorgon effect” here is a product of the paradox that the largest of the modern empires, Great Britain, was at once an implacable opponent of totalitarianism and the source of those settlers who swept aside millions of Indigenous peoples to establish progressive democracies in North America, New Zealand, and Australia. Bulwarks of liberty, Britain and its former colonies also have blood on their hands.

This paradox has issued in two incommensurable responses. In its extreme incarnation, the first of these condemns European imperialism as a murderous conspiracy against non-Europeans. Typical is the Native American activist and scholar Ward Churchill, who regards the English as “global leaders in genocidal activities, both in terms of overall efficiency — as they consummated the total extinction of the Tasmanians in 1876 — and a flair for innovation embodied in their deliberate use of alcohol to effect the dissolution of many of North America’s indigenous peoples.”<sup>7</sup> A rival view lauds Britain as the mildest of Europe’s imperial powers: the “natives” were lucky that the British colonized their country and not, say, the French or Belgians. Hannah Arendt, for example, was fascinated by the Anglophone colonies as exceptions to the continental pattern of conquest because they were not “seriously concerned with discrimination against other peoples as lower races, if only for the reason that the countries they were talking about, Canada and Australia, were almost empty and had no serious pop-

ulation problem.” To be sure, Arendt qualified this extraordinary statement in a footnote that acknowledged “comparatively short periods of cruel liquidation” of the few original inhabitants. Nonetheless, her basic conviction was that British civilization blessed the continents of America and Australia, which, until its arrival, were “without a culture and history of their own.”<sup>8</sup> Likely she would have rejected the proposition of Churchill and David E. Stannard that the Native Americans suffered an “American Holocaust,” but her naïve paean to British expansion simply repeated contemporary European prejudices about their civilization and non-European barbarism despite the fact that the Holocaust occurred in the heart of Europe.<sup>9</sup>

A closer look at British commentary on Britain’s encounter with Indigenous peoples in the nineteenth century reveals that both views are one-sided. Rarely can exterminatory intent be discerned in British authorities, but there was a greater degree of consciousness about the fatal impact of their presence than Arendt was willing to consider. Writing in 1839, for instance, Charles Darwin noted, “Wherever the European has trod, death seems to pursue the aboriginal. ... The varieties of man seem to act on each other; in the same way as different species of animals the stronger always extirpating the weaker.”<sup>10</sup> In the same year, the ethnologist James Prichard sounded the tocsin about “the extinction of human races” in *The Edinburgh New Philosophical Journal*: “Wherever Europeans have settled, their arrival has been the harbinger of extermination to the native tribes.” Fearful that a further century of colonization would mean “the aboriginal nations of most parts of the world will have ceased to exist,” he asked “whether any thing [sic] can be done effectually to prevent the extermination of the aboriginal tribes.”<sup>11</sup>

Subsequent instances of Indigenous massacres of settlers and the rise of scientific racism meant that the novelist Anthony Trollope and imperial ideologue Charles Dilke expressed no such anxieties when they wrote about their respective antipodean tours several decades later.<sup>12</sup> The Aborigines were “ineradically savage,” declared the former in 1872; the male possessed the deportment “of a sapient monkey imitating the gait and manners of a do-nothing white dandy,” as well as suffering from a “low physiognomy” that rendered him lazy and useless. “It is their fate to be abolished; and they are already vanishing,” he concluded without regret or moral scruple. The harshness of Trollope’s judgment that the Aborigine “had to go” was hardly mitigated by the wish that they “should perish without unnecessary suffering.”<sup>13</sup> Dilke commented in simi-

lar terms in relation to Indigenous population collapse. The “aboriginal Australian blacks ... were so extraordinarily backward a race as to make it difficult to help them to hold their own.” They were “rapidly dying out, and it is hard to see any other fate could be expected for them.”<sup>14</sup> Many such statements from the period could be adduced.<sup>15</sup>

### Australian Settler Society and its Conscience

Clearly, the British understood the effects of their presence in Australia and other colonies. But this did not mean they took responsibility for the anticipated disappearance of the Indigenous peoples, despite the obvious connection between colonization and depopulation. Since the nineteenth century, they, and later, Australians, have engaged in often-acrimonious debate about the causes of the Aboriginal demographic catastrophe and the apportionment of blame. As one visitor to New South Wales observed in the early 1840s, colonial society was split between those for whom the Aborigines were “not entitled to be looked upon as fellow creatures,” and those who viewed “with horror the inroad made into the possessions of the natives.”<sup>16</sup> An English settler made the same observation in 1844 when he reported that two friends “argued that it is morally right for a Christian Nation to extirpate savages from their native soil in order that it may be peopled with a more intelligent and civilized race of human beings ... [while] ... (Frederick) McConnell and myself were of the opposite opinion and argued that a nation had no moral right to take forcible possession of any place.”<sup>17</sup> The stakes were, and remain, high. Was white Australia born with the mark of Cain? Or had the settlers built a society about which they could feel justly proud and that ultimately benefited the Aborigines, at least those prepared to relinquish their “stone-age” culture for the modern European one? The arguments fall roughly into the same two camps sketched above: “humanitarian” and “triumphalist.”

*“That Thin Strand of Humanitarianism”*<sup>18</sup>

Australian colonization was triumphant, but its human cost troubled a small minority of Britons. From the 1820s, they believed the settlers were unjustly treating the original inhabitants and exterminating them when they resisted. Where Aboriginal warriors had committed “depredations” or “outrages,” these critics pointed out, were they not reacting to white violation of their food supplies and

women? Even if disease carried off the majority of the Aborigines, they continued, had not Indigenous society and its reproductive capacities been fatally smashed by rapacious settlers? Furthermore, it was iniquitous that Aborigines were forbidden from testifying in legal proceedings when they were otherwise regarded formally as British subjects, equal before the law.<sup>19</sup> Expressing the Enlightenment and Christian belief in a universal human nature, they insisted that Aborigines were fully human and children of God, and therefore “civilizable.” Such were the assumptions of the colony’s first governor, Captain Arthur Phillip, whose orders were to treat the Aborigines well.<sup>20</sup>

In this vein, liberal officials in the Colonial Office in London worried greatly about the frontier struggle transpiring on the other side of the world. In 1837, a Select Committee Inquiry urged the British government to assume moral responsibility for the Indigenous peoples of South Africa, the Australian colonies, and North America lest they become extinct. A year later, Sir George Gipps, Governor of New South Wales, embodied this spirit when he expedited the prosecution and execution of whites who had massacred Aborigines at Myall Creek—one of the very few occasions in the nineteenth century that the law making the murder of Aborigines a capital offence was enforced.<sup>21</sup>

Toward the end of the nineteenth century and early in the next, the humanitarian impulse issued in “protection” legislation for “pacified” Aborigines in the self-governing British colonies (which became the constitutive states of the Commonwealth of Australia in 1901). Such measures, which confined many Aborigines in isolated reserves under oppressive regimes of discriminatory regulation, were designed to afford them security from the exploitation and violence of frontier existence. But these laws also suited the majority of colonists, who were happy to have Aborigines removed from fertile farmland and country towns.<sup>22</sup>

The public, having also applauded the prohibition of non-white immigration into the country (the “White Australia Policy”) after Federation in 1901, showed little interest in the “native question” in the two decades of the twentieth century. The question was back on the table, however, after police massacres of Aborigines in northwest and central Australia in 1926 and 1928 scandalized local and international opinion. Small groups of metropolitan Aborigines, as well as white anthropologists, Christians, socialists, and feminists began campaigns to highlight that Aborigines were not in fact a “dying race,” as commonly supposed. Their targets were the official policies in the different states in the 1930s that

decreed that Aborigines be “absorbed” into the population and eventually disappear as distinct peoples, that their “color” be “bred out” by racial engineering, or that they be strictly segregated until they “died out.” By way of resistance, Aboriginal groups and humanitarians lobbied—in vain—for full citizenship rights and policies of “uplift.”<sup>23</sup>

During and after the Second World War, however, official policy abandoned racial engineering for “assimilation.” The new approach entailed integrating Aborigines into the white community as fellow citizens. Ultimate Indigenous extinction was abandoned as an assumption of governance, although large sections of the public continued to entertain the fantasy of a white Australia. Assimilation, therefore, marked a paradigm change in which the long-standing Enlightenment optimism of the humanitarian position became official policy. And yet, “uplifting” Aborigines entailed the continuity of heavy-handed legal restriction, including the practice of “removing” children of mixed Indigenous-European parentage from their Indigenous mothers. In practice at least, assimilation appeared to some as sharing much with the absorption policies of the 1930s. The anthropologist W.E.H. Stanner (1905-1981) spoke for many when he observed in 1964 that the terms of assimilation were “still fundamentally dictatorial.”<sup>24</sup> Aboriginal activists, and humanitarians who formerly had favored “civilizing” Aborigines, now criticized state paternalism in general, advocating not only legal equality, but also self-determination and sovereignty. Because of assimilation’s firm commitment to the nation-building project and consequent hostility to any Aboriginal autonomy, it belongs firmly in the triumphalist tradition.

It is important to appreciate that Australians in the 1950s regarded their modernity as unimpeachable, having passed the test of prosperity and viability by generating enormous wealth and fending off Japanese imperial designs. Assimilation was therefore a considered progressive. When Australians thought of racial conflict at all, their eyes turned to South Africa and the American South. Invidious parallels could be made here, so the conservative federal government funded research into Aboriginal culture to showcase its benevolent credentials. As might be expected, the new Australian Institute for Aboriginal Studies, established in Canberra in the early 1960s, was not meant to probe current policy and welfare issues, but to limit itself to apolitical “scientific, cultural and anthropological research.”<sup>25</sup>

By the late 1960s, however, the small minority that had rowed against the tide was scoring some successes. This was the time when

Indigenous population recovery meant whites had to “adjust to the idea that Aboriginal Australians are not a dying race after all,” as one observer noted at the time.<sup>26</sup> In 1967, after a vigorous campaign, Australians voted to change the constitution to grant the federal government power to make special laws affecting Aborigines (who had been empowered to vote in federal elections in 1962)—hitherto the prerogative of the states—an innovation that promised policy progress and consistency across the country.<sup>27</sup> “Freedom-riders” from the University of Sydney, following in the footsteps of the American civil rights movement, exposed racist practices in rural towns and raised public consciousness about inequality in a country that prided itself on the egalitarian spirit.<sup>28</sup> All the while, the Aboriginal struggle for land rights assumed a higher profile, culminating in a permanent “tent embassy” on the lawns of the federal parliament in Canberra in 1972.<sup>29</sup> The White Australia Policy was also officially abolished in favor of “multiculturalism.”

This mood of change was reflected in historical scholarship, although it was two older social scientists who were responsible for coining the terms that became the watchwords of research for a younger generation of historians. W.E.H. Stanner’s prestigious Boyer Lectures of 1968, published as *After the Dreaming*, declaimed the “Great Australian Silence” about the Indigenous presence in Australian history, a silence to which he regretted having contributed as a young anthropologist. By way of recompense, he called for a “less ethnocentric social history” that acknowledged “the structure of race relations and the persistent indifference to the fate of the Aborigines.” It was also necessary to expose the “apologetic element” in Australian historiography, which “sticks out like a foot from a shallow grave.”<sup>30</sup>

The call for a new historical approach was begun in 1964 by the sociologist Charles Rowley (1906-1985), who published a trilogy of works in 1970 and 1971 that established the subdiscipline of Aboriginal History.<sup>31</sup> *The Destruction of Aboriginal Society*, the first continent-wide treatment of the subject, provided the motto for a number of dissertations that aimed to break the great Australian silence.<sup>32</sup> Inspired by post-colonial liberation movements around the globe and appalled by the continuity of popular and institutionalized discrimination in Australia, these young historians began systematic, empirical work on frontier violence and racist traditions, and what they found changed the received view of the peaceful “settlement” of the country. The titles of these books, such as *Exclusion, Exploitation, and Extermination* and *Invasion and Resistance*, captured the new spirit. Their narratives also recast the

moral drama of the national history.<sup>33</sup> No longer were Australians to forge a “New Britannia” by carving out a European utopia from the rock of a harsh land. They had to make good the white abuse of Aborigines, non-Anglo immigrants, and the environment. The triumphalist narrative was making way for the humanitarian one.

Journalists and popular writers made use of this “revisionist” scholarship for moral-political purposes. In thrall to the “perpetrator trauma”—the shock of realization at the crimes committed by one’s compatriots—such writers urged Australians to face up to their dark past, which they depicted in simplistic terms of good and evil:<sup>34</sup>

The blood of tens of thousands of Aborigines killed since 1788, and the sense of despair and hopelessness which informs so much modern-day Aboriginal society, is a moral responsibility all white Australians share. Our wealth and lifestyle is a direct consequence of Aboriginal dispossession. We should bow our heads in shame.<sup>35</sup>

The Gorgon Effect—the freezing of the imagination—was evident when they occasionally made wild analogies with Nazi genocide, such as the journalist Phillip Knightley’s naïve exclamation:

It remains one of the mysteries of history that Australia was able to get away with a racist policy that included segregation and dispossession and bordered on slavery and genocide, practices unknown in the civilized world in the first half of the twentieth century until Nazi Germany turned on the Jews.<sup>36</sup>

Scholars, by contrast, have been very circumspect, occasionally drawing some links or parallels between German and Australia history, but without crudely equating the two cases.<sup>37</sup> When one complained in 1987 that the “dispossession-resistance” model of frontier relations had become an “orthodoxy,” and suggested supplementing it with the paradigm of “accommodation” between Aborigines and settlers, he was echoing the unease of many historians with such crude popularizations.<sup>38</sup> But this did not mean they abandoned the humanitarian tradition. The “need to decolonise Australian writing” continued.<sup>39</sup>

Indeed, historians applauded the developments in the 1990s when the then Labor Prime Minister, Paul Keating, advocated reconciliation with Indigenous peoples on the basis of a left-liberal perspective of the national past, one strongly influenced by his speechwriter, Don Watson, himself the author of an important book on the frontier.<sup>40</sup> The highest court in the land took much the same view in two key decisions recognizing “native title,” Mabo (1992) and Wik (1996), grounded as they were in a generation of

revisionist scholarship, especially that of Henry Reynolds, and the tenacity of the Indigenous litigants like Eddie Mabo.<sup>41</sup>

Yet despite such advances, the humanitarian agenda struck only shallow roots in Australian culture. Throughout the 1980s and 1990s, conservatives complained bitterly about the “political correctness” of the Labor Party’s shibboleths of multiculturalism and Aboriginal land rights, which they thought criminalized the national past. These positions, they charged, were propounded illegitimately by “elites” who brainwashed the public through their domination of the key institutions of cultural transmission: universities, school curricula, museums, and the national television and radio broadcaster, the Australian Broadcasting Corporation.<sup>42</sup>

A sufficient number of Australians agreed with them in 1996 to elect a conservative federal government determined to replace the “black armband” view of history—as it derided the humanitarian perspective—with pride in settler traditions.<sup>43</sup> To be sure, the government does not advocate renewing the White Australia Policy, although after September 2001 some of its supporters wanted to ban Islamic migrants because of their supposed inability to integrate.<sup>44</sup> In fact, it dines out internationally on the country’s “authentically cosmopolitan civic culture of which I for one am very proud,”<sup>45</sup> as one commentator expostulated, while cruelly detaining refugees in camps, pouring scorn on the United Nations’ competence to scrutinize its deteriorating human rights record, and denouncing humanitarian dissenters as traitorous fifth columnists.<sup>46</sup>

Yet Indigenous issues gained increasing attention despite official efforts to sweep them under the carpet. In 1997, the *Bringing them Home* report on stolen Aboriginal children—thousands of children of mixed Indigenous/European descent “removed” from their Indigenous mothers by state authorities until the late 1960s—commissioned before the conservative government came to power, hit the headlines. It accused the states of genocide, and was backed by massive public demonstrations across Australia in 2000 for a government apology to the victims.<sup>47</sup> The formal “reconciliation process,” initiated after the Royal Commission into Aboriginal Deaths in Custody in 1991, culminated in a controversial “Australian Reconciliation Convention” in 1997 during which the dismay of delegates about the truculently unapologetic Prime Minister John Howard was readily apparent.<sup>48</sup>

These developments, and renewed talk of a treaty between Indigenous and non-Indigenous Australians, were met with sneers by conservatives who exulted when the testimony of some Aboriginal people in *Bringing them Home* was questioned. Not only was

the humanitarian “elite” more interested in moral aggrandizement than Aboriginal welfare, they bid us believe, but Indigenous leaders did not represent their constituencies and bullied decent white folk with their ceaseless demands.<sup>49</sup> Most recently, the crusade of conservatives to claw back lost ground has culminated in an ugly campaign to deny that much frontier violence took place at all. The “orthodox” historians, as the humanitarians are categorized, were even accused of fabricating sources, a claim readily accepted by those resentful of “intellectuals” and the “new class.”<sup>50</sup> Such was the rhetorical venom that passed for informed debate in the initial years of the twenty-first century, and sadly, most Australians appear to share these views. But there is nothing new about them.

### *That Hegemonic “Triumphalism”*

The triumphalist posture that, except in rare moments, has dominated the policy and cultural agenda of the colonies and nation-state for over 200 years seems as resilient as ever. This is not surprising given that it justifies the European occupation of the continent and dispossession of its inhabitants. To question it is to dispute the moral legitimacy of the Australian nation-state.<sup>51</sup>

The foundations of triumphalist colonization were laid well before the “first fleet” of two warships, six transports of convicts, and three of stores arrived in what is now Sydney in January 1788. European writers like Samuel Pufendorf (1632-1694) had conceived of the historical development of humanity in four stages, the final one being “commercial society”—i.e., “civilization”—of political communities interconnected by trade.<sup>52</sup> English writers of the seventeenth century also ranked societies according to their development in relation to the Europe of their day just as the Scottish Enlightenment proposed a stadial view of human development. Following the natural law arguments of the Salamanca School of Thomist philosophers of the sixteenth century, the English argued that hunter-gatherers stood at the bottom of human social evolution because they did not fulfill their human potential by cultivating the land. One Hobart resident had this idea in mind when he wrote in 1874 of the Indigenous peoples of Tasmania:

The aboriginal’s wants were, indeed, so few, and the country in which it had pleased the Almighty to place him supplied them all in such lavish abundance, that he was not called on for the exercise of much skill or labour in satisfying his requirements. He had no inducement to work and (like all others who are so situated) he did not very greatly exert himself. Necessity, said to be the parent of invention, was known to him only in a limited degree; and in ingenuity was seldom brought into exercise. His faculties were dormant from the mere bounty of providence.<sup>53</sup>

On the basis of these assumptions, the British argued the “natives” had rights only to what they caught and gathered, while uncultivated land belonged to no one (*res nullius*), and was therefore available to Europeans to settle and exploit.<sup>54</sup>

This agriculturalist argument is well-known—especially as expounded by John Locke (1632-1704) in his *Two Treatises on Government* (1690)—as is James Cook’s annexation of the whole east coast of Australia in 1770 on the grounds that it was *terra nullius*, unclaimed waste land.<sup>55</sup> It remains popular in Australia today.<sup>56</sup> What is usually overlooked is that Locke licensed not only such dispossession, but also wars of extermination against Indigenous people if they resisted the loss of their land and customary ways. By breaking natural law in defying the perceived European right to the land and rejecting European entreaties to enter civilization, so the case goes, “natives” rejected “friendship” and “trade,” as it was articulated by apologists for English colonists in the seventeenth century. The colonists were justified, therefore, in invoking the theory of just war to defend themselves against the Indigenous attacks on their rightful presence and claims.<sup>57</sup> As Locke put it, such “natives” had

declared war against all mankind, and therefore may be *destroyed as a lion or tiger, one of those wild savage beasts with whom men can have no society or security*. And upon this is grounded that great law of Nature, ‘Whoso sheddeth man’s blood by man shall his blood be shed.’ Also Cain was so fully convinced that every one had a right to destroy such a criminal, that, after the murder of his brother, he cries out, ‘Every one that findeth me shall slay me,’ so plain was it writ in the hearts of all mankind.<sup>58</sup>

That Locke could issue warrants for genocide is counterintuitive, because he, and the English generally, condemned the Spanish for violating the natural rights of the Indigenous people and for not attempting to civilize them. By contrast, English colonialism, he wrote, did not proceed by “the sword,” respected the property rights of the hunter-gatherers, and sought their uplift.<sup>59</sup> Judging by the furious reaction of British settlers to attacks on their property, however, the presumption that by their presence they were doing the Aborigines a favor only fuelled their indignation and proclivity to take savage reprisals.<sup>60</sup>

Not only was the spirit of revenge rife on the frontier—as several chapters in this volume make plain—the “justice” of crushing Indigenous resistance was as obvious to contemporaries like Trollope in the 1870s as it was to later Australian establishment histori-

ans in the 1930s.<sup>61</sup> Grenfell Price of the University of Adelaide, for instance, wrote in the *Cambridge History of the British Empire* that:

So serious had been the troubles in the Murray area [in southeastern Australia] that settlement virtually ceased until troops were sent to the district, and at the “battle of Pinjarra” [in western Australia] in 1834 *half the males of the Murray tribe were destroyed*. This conflict enabled F.F. Armstrong and others to establish better relations with the natives, although the difficulty was not completely removed for many years.<sup>62</sup>

Two years later, in 1935, the professor of history at the University of Sydney, Stephen H. Roberts, who shortly afterwards would write the critique of Nazi Germany, published an analysis of squatters in colonial Australia that betrayed the same Lockean assumptions. Such grievances as the natives had against the whites “were usually the result of their own ungovernable dispositions and their failure to see any sense in the white man’s laws of property.” While Roberts was prepared to concede that “Squatting life certainly impinged on native existence,” the point was that “the interaction was as between landowner and raiders.” Little wonder, he implied, that “Outrage, real or imaginary, was met by outrage, and Europeans killed natives on the slightest pretext.”<sup>63</sup>

Roberts’ work incarnated other aspects of the triumphalist posture towards Aborigines and colonization. Primary among them was his disapproval of humanitarians, like well-meaning missionaries, whose civilizing aspirations he regarded as naïve. There was no getting around the “nature of the natives.”<sup>64</sup> Similarly, Governor Gipps, who tried to guard Indigenous rights, came in for Roberts’ hefty criticism. Because of Gipps’ leniency, “The natives became unbearably impudent, and no longer were flocks or even human life safe. Seven or eight years of virtual terror set in after 1837.” What is more, the governor was hard on the settlers. They were incredulous when seven of them were hanged for massacring a harmless group of Aborigines. “It would be difficult to exaggerate the stir this caused in the squatting ranks, for it changed one of the basic assumptions of life in the bush,” noted Roberts. After all, “the colonists had not deemed it possible to try white men for killing natives.”<sup>65</sup>

Lamponing the humanitarians in the colonial capitals and London for their ignorance of frontier realities was typical of the colonial press. In 1838, the *Sydney Morning Herald* took aim at James Stephen of the Colonial Office, “being one of those kind-hearted ‘Liberals’ who bestow so much of their pity on devastating and murderous savages, that they have none to spare for the white people.”<sup>66</sup> But such rhetoric also expressed anxiety that the author-

ities were taking seriously the formal legal equality accorded the Aborigines, and therefore did not side automatically with the settlers. Plainly, such metropolitan “liberals” did not appreciate the “romance” of the great strides being made on the frontier.

“Romance” was a common trope in the memorialization of the frontier, as in the pastoralist Simpson Newland’s thinly-veiled memoir of 1893, *Paving the Way: A Romance of the Australian Bush*. It was also the central plot engine of Roberts’ first book, *A History of Australian Land Settlement*, which in 460 pages mentions “the natives” once. Instead, he rhapsodizes about “the struggle and the glamour, the *camaraderie* and the fights against uneven odds, the romance of overlanding and mustering, the dirt and droughts and disease.”<sup>67</sup> Here, too, was the depiction of the settlers as victims, banished from the British motherland to face an uncertain future in a hostile environment. This self-understanding continues today in conservative memory politics, which urges a narcissistic identification with “our pioneers” and nation-builders like the Anzacs (Australian and New Zealand military forces) in order to gird the communal loins against terrorists, refugees, dissident intellectuals and other ostensible threats to the Australian way of life.<sup>68</sup>

Another feature of the settler pragmatism that Roberts articulated was the species of racism that regarded Indigenous people as uncivilizable: “It was quite useless to treat them fairly,” he opined, “because they were completely amoral [sic] and usually incapable of sincere and prolonged gratitude.”<sup>69</sup> He referred with contempt to Aborigines’ supposed “thoughtlessness, ingratitude, debauchery, want of effort, infanticide and outrages.” Consequently, he implied, Europeans were not responsible for eventual passing of the Aborigines; the laws of nature decreed that backward societies gave way before advanced ones. After all, natives “would not work, and only abandoned themselves to fighting and selling their *gins* [women] to shepherds for tobacco or spirits. In the wake of these evils,” he averred, “came the inevitable venereal disease, consumption, and an appallingly rapid depopulation.”<sup>70</sup> The conclusion to be drawn was that Indigenous society was not destroyed by the Europeans, but collapsed under the weight of its own pathologies. Some anthropologists, as well as a number of local failed academics and credulous journalists, make precisely the same arguments about Indigenous people today, a prejudice they dignify with the jargon of “sick societies.”<sup>71</sup>

In marked contrast, firsthand accounts by frontier settlers in the nineteenth century made no bones about their intentions, proclaiming, “let us at once exterminate these useless and obnoxious

wretches. It seems that nothing short of extermination will check their animosity to the whites and all that is theirs.” And: “Desperate diseases call for strong remedies and while we would regret a war of extermination, we cannot but admit that there exists a stern, though maybe cruel necessity for it.”<sup>72</sup> Newland, for example, wrote of “the wiping out process” in Queensland, where the “dispersal” of natives, “put plainly, meant nearly indiscriminate slaughter.” With remarkable prescience, he added, “Of course, these stories will be denied.”<sup>73</sup>

As already noted, the “doomed race” theory was hegemonic until the Second World War, after which the triumphalists enjoined an authoritarian assimilation, a policy that opposed any notions of “separate development” and self-determination for, or a treaty with, Indigenous peoples. In their symbolic struggles with the humanitarians today, the triumphalists’ primary target is the proposition that Aborigines were the victims of genocide because it underwrites anti-assimilationist ideologies and policies.

the greatest falsification of Australian history is that the nation was born in genocide and oppression and after 200 years remained in what [the historian, Manning] Clark has termed the “age of ruins.” You can judge a nation only by reference to contemporary alternatives. So judged, Australia has done well enough to have established our own proven symbols. Regrettably ... this has not been possible, due essentially to the fact that so much of popular history is taught by the alienated and the discontented.<sup>74</sup>

Plainly, the genocide concept is not only a politically-neutral, heuristic device of social science, at least in public discourse. How has it been used in relation to Australia?

### The Genocide Concept in Australia

The term genocide is used to refer to two phenomena in Australian history: frontier violence, mainly in the nineteenth century, and the various policies of removing Aboriginal children of mixed descent from their families, mainly in the twentieth century. The structure of this book reflects this division. Both of these phenomena have made for bitter controversies in the “history wars” of the 1990s. But the term has been used for decades in a variety of ways by different people in a variety of contexts.

International consciousness about genocide in Australia has been limited to the case of Tasmania, often cited as a “classical” instance of colonial genocide.<sup>75</sup> Recent Australian scholarship has

questioned this view, although no one denies the demographic catastrophe that befell the Aboriginal Tasmanians, who are supposed to have “died out” as “full bloods” in 1876.<sup>76</sup> Of course, the term was not used before it was coined in 1944 and enshrined in international law by the United Nations four years later. Contemporaries spoke instead of “extermination” and “extirpation.”<sup>77</sup>

It should come as no surprise that Indigenous peoples have used genocide to name their traumatic experiences because the colonial enterprise is experienced as criminal. “The black extermination drives of the Hawkesbury and Manning Rivers. The genocide of the Tasmanian blacks,” declared Aboriginal activist Kevin Gilbert. “These and many, many more were the links in the chain of white inhumanity that lives on in the memories of the southern part-bloods today.”<sup>78</sup> In 1963, secretary of the Federal Council for Aboriginal Advancement, Stan Davey, attacked the official policy of assimilation in a pamphlet called *Genesis or Genocide?* Would Australia condone a process of racial elimination by stealth, he asked provocatively, like the Nazis, Czarists, and Russian communists had attempted to solve their national minority problems by outright extermination?<sup>79</sup> Aboriginal leader Mick Dodson continued this line of argument in relation to the Stolen Generations of Aboriginal children:

the fact is if you look at the government’s politics and laws set in place to back them up, their central intention was to destroy the Aboriginality of these kids. I am not equating the Holocaust to the removals, but they fall under the same heading of genocide. They’re just a different form of genocide.<sup>80</sup>

As we shall see, conservatives objected vehemently to this proposition, insisting that the United Nations genocide convention did not criminalize “cultural genocide” (cultural rather than physical destruction), but who will gainsay the point of Indigenous jurist Larissa Behrendt that “the political posturing and semantic debates do nothing to dispel the feeling Indigenous people have that this is the word that adequately describes our experience as colonized people”?<sup>81</sup>

Activists on the left throw up their hands in exasperation at the definitional precision demanded by academics because it detracts from ongoing political struggles. “Even if events in Australia don’t fit the genocide convention to the letter, is that the point?” one of them asks. “Continuing policies toward Indigenous people continue to result in such serious discrimination and disadvantage that genocide is the only appropriate term to use.”<sup>82</sup>

As might be expected, lawyers also insist on exactness when they speak of genocide, but that does not render them immune from ethical considerations. A model of moral clarity was one of the royal commissioners into Aboriginal deaths in custody, J.H. (Hal) Wootten, who in 1989 was shocked by the “foreshadowing of Holocaust languages in the references to the achievements of a ‘solution’ and of ‘finality’” in the reports he read of state protection authorities from 1921. “In its crudest forms,” he concluded, “the policy of assimilation fell within this modern definition of genocide, and in particular the attempt to ‘solve the Aboriginal problem’ by taking away children and merging them into white society fell within that definition.”<sup>83</sup>

This viewpoint would cause a national scandal eight years later. Initially, it was played down by the national commissioner who rejected the proposition that, in principle, assimilation amounted to genocide.<sup>84</sup> He in turn was vehemently contradicted by the subsequent *Bringing them Home* report, which focused on Article 2 (e) of the UN Convention on genocide, the section that criminalizes the forcible transfer of children from one group to another with the intention of destroying a racial, ethnic, or religious group. This inquiry was understandably sympathetic to the Indigenous victims, whose shocking stories of abuse and privation received wide publicity for the first time. It concluded with the now famous accusation that postwar assimilation policies had aimed to eliminate Aborigines as a cultural unit, and were therefore genocidal.<sup>85</sup>

Australian historians, by contrast, have been reluctant to invoke genocide despite the fact that the Indigenous population declined from approximately 750,000 in 1788 to 31,000 in 1911. (By way of comparison, the immigrant population rose to 3,825 million by 1901.)<sup>86</sup> Thinking it means total physical destruction, and concerned to stress that Aborigines had survived to make political claims today, these academics were disinclined to use the term.<sup>87</sup> Another reason for this hesitancy was the misconception that genocide entailed the state’s intention to exterminate all Australian Aborigines as a single people. “It is not appropriate to refer to the frontier violence as attempted genocide,” concluded Richard Broome, “because—despite the desires of individuals—there was no official policy or attempt to eliminate the Aboriginal population.”<sup>88</sup>

Writers in the 1970s and 1980s proceeded without much awareness of the UN Convention and its intellectual origins, which was hardly surprising given that the social scientific literature on the subject only began to develop at this time. If historians used the term at all, they did so more or less as a synonym for “extirpation”

or “extermination,” reflecting the rhetoric of the sources they read.<sup>89</sup> “What *can* be said,” affirmed one of them, “is that the spirit of genocide was abroad in eastern Australia from the 1820s until the final ‘pacification’ of Queensland Aborigines in the first decade of this [the twentieth] century, and that it survived in Western Australia and the Northern Territory until the 1920s.”<sup>90</sup>

At the same time, local and regional studies undercut the homogenization of Indigenous peoples into a single entity—“the Aborigines”—by the colonizing perspective. The fact that many of the approximately 600 Indigenous cultural-linguistic groups regarded themselves as separate peoples raised interesting questions about genocide.<sup>91</sup> For adopting their self-understanding in terms of the UN definition can lead to the conclusion that each willed act of extermination by settlers and/or the state of an Aboriginal group could be regarded as genocide. In that case, many genocides took place in Australia, rather than being the site of a single genocidal event.<sup>92</sup>

Most recently, a number of Australian scholars have begun to consider the issue systematically in light of the UN Convention and the now-voluminous literature on comparative genocide.<sup>93</sup> This work is still in progress, but has already met stiff resistance from those for whom genocide is consubstantial with the Holocaust. The Gorgon Effect is most evident in this blanket refusal to consider its meaning in international law and implications for Australian history. The philosopher Raimond Gaita attempted to clear up the confusion about the relationship between genocide and the Holocaust in many articles and in his book, *A Common Humanity*, but the subtleties of his finely-grained analysis were missed by many readers.<sup>94</sup> For instance, Inga Clendinnen, an historian of the Aztecs, complained of the *Bringing them Home* report in the following terms:

when I see the word “genocide,” I still see Gypsies and Jews being herded into trains, into pits, into ravines, and behind them the shadowy figures of Armenian women and children being marched into the desert by armed men. I see deliberate mass murder: innocent people identified by their killers as distinctive entities being done to death by organised authority. I believe that to take the murder out of genocide is to render it vacuous.<sup>95</sup>

Conservative newspaper columnists shared her indignation that the good intentions of white administrators in “rescuing” white-looking black children had been traduced by association with genocide.<sup>96</sup>

To be sure, in the 1930s and early 1940s disturbing parallels between the treatment of Aborigines and that of German Jews were

made by some observers. Aboriginal leader William Cooper, for example, pointed to the categorization of Aborigines according to genetic inheritance, their treatment as an “enemy people,” and banishment to camps. The Jewish refugee artist Josl Bergner saw matters in much the same terms.<sup>97</sup> But no one equated the Australian case and the Holocaust of European Jewry. Regardless, an editorial in a provincial newspaper in 2001 felt it necessary to complain that “Many Jews and non-Jews familiar with the intrinsic evil and systematic course of the Holocaust in all its extraordinary horror find any notion of parallels with the removal of Aboriginal children utterly offensive.”<sup>98</sup> The professor of Jewish Studies at Monash University in Melbourne, Andrew Markus, insisted similarly that genocide not be used in the Australian context because it can only be properly applied to the Holocaust.<sup>99</sup>

The Gorgon Effect is palpable in the doubts that some now entertain about the genocide term. One historian who noted disapprovingly in 1983 that “Such terms as ‘invasion’ and ‘attempted genocide’ ... still appear to stick in the typewriters of some historians and others,” ate his words eighteen years later, regarding them as dubiously “emotive and arguable.”<sup>100</sup> There is a danger that the genocide term will become stuck in the keyboards of historians and social scientists if the confusion over its meaning and relationship to the Holocaust continues to cloud debate.<sup>101</sup>

### What is Genocide?

In order to understand the nature of the crime of genocide, it is important to appreciate the intentions of the formulator of the term, the Polish-Jewish jurist Raphael Lemkin (1900-1959). Growing up in multiethnic eastern Poland, where Jews lived as neighbors with Poles and Russians, he became convinced that

the diversity of nations, religious groups and races is essential to civilization because every one of these groups has a mission to fulfill and a contribution to make in terms of culture. To destroy these groups is opposed to the will of the Creator and to disturb the spiritual harmony of mankind.<sup>102</sup>

The “formula of the human cosmos,” then, comprised culture-creating human groups, rather than contingent ones like political associations. There were four such groups: national, racial, religious, and ethnic.<sup>103</sup>

Indignant that the perpetrators of the Armenian genocide had largely escaped prosecution, Lemkin, who was a young state prosecutor in Poland, began lobbying in the early 1930s for international law to criminalize the destruction of such groups.<sup>104</sup> Initially, he sought to establish two new crimes: *barbarity* (destruction of national groups), and *vandalism* (destruction of their unique cultural artifacts).<sup>105</sup> Such “acts of extermination directed against the ethnic, religious or social collectivities whatever the motive (political, religious, etc.),” he implored, should be considered “offences against the law of nations by reason of their common feature which is to endanger both the existence of the collectivity concerned and the entire social order.”<sup>106</sup> But his lobbying could not overcome the entrenched belief in national sovereignty, and so European peoples had no legal protection in the coming bloodletting unleashed by the German state.<sup>107</sup>

An academic and government advisor in the United States during the Second World War, Lemkin found it almost impossible to convince policy-makers that the Nazis were waging a war of extermination rather than a conventional campaign. To make his case, he compiled the decrees issued by the Germans in the countries they occupied, along with his commentary and a discussion of a new crime, genocide, in his now well-known book, *Axis Rule in Occupied Europe*. Combining barbarism and vandalism into “a generic term,” he defined genocide as “the criminal intent to destroy or cripple permanently a human group.”<sup>108</sup> It was a new word “to denote an old practice in its modern development.”<sup>109</sup> What did it mean? Destruction or crippling did not necessarily entail mass murder: “Generally speaking, genocide does not mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation.”<sup>110</sup> In fact:

The end may be accomplished by the forced disintegration of political and social institutions, of the culture of the people, of their language, their national feeling and their religion. It may be accomplished by wiping out all basis of personal security, liberty, health and dignity. When these means fail the machine gun can always be utilized as a last resort.<sup>111</sup>

In elaborating his definition, Lemkin adumbrated eight “techniques of destruction”: political, social, cultural, economic, biological, physical, religious, moral. They covered such broad a spectrum of policies because nationhood was constituted by each of these elements according to his conception of ethnogenesis. The capaciousness of his definition of genocide is captured well by his discussion of the attack on a nation’s morality:

In order to weaken the spiritual resistance of the national group, the occupant attempts to create an atmosphere of moral debasement within this group. According to this plan, the mental energy of the group should be concentrated upon base instincts and should be diverted from moral and national thinking. It is important for the realization of such a plan that the desire for cheap individual pleasure be substituted for the desire for collective feelings and ideals based upon a higher morality. Therefore, the occupant made an effort in Poland to impose upon the Poles pornographic publications and movies. The consumption of alcohol was encouraged, for while food prices have soared, the Germans have kept down the price of alcohol, and the peasants are compelled by the authorities to take spirits in payment for agricultural produce. The curfew law, enforced very strictly against Poles, is relaxed if they can show the authorities a ticket to one of the gambling houses which the Germans have allowed to come into existence.<sup>112</sup>

Consequently, Lemkin is understood by some to have supported the notion of “cultural genocide,” that is, that cultural effacement or assimilation is genocidal.<sup>113</sup> Indeed, a recently released fragment of his autobiography reveals that he strongly supported the retention of an article on cultural genocide in early drafts of the UN’s convention on genocide.<sup>114</sup> Judging by his work as a whole, however, it would be safe to infer that he did not equate assimilation with cultural genocide. In fact, using the Nazi example, he took pains to distinguish between genocide and cultural effacement, that is, assimilation. Terms like “denationalization” or “Germanization” of foreign peoples were not synonyms with genocide, he thought, because “they treat mainly the cultural, economic, and social aspects of genocide, *leaving out the biological aspects, such as causing the physical decline and even destruction of the population involved.*”<sup>115</sup> In Lemkin’s notion of ethnogenesis, the “biological and physical structure” was elemental, so that policies that attack a group’s culture—its morality, for instance—are only genocidal when motivated by the intention to destroy this structure. His unpublished manuscripts confirm this interpretation. The gradual assimilation of a people by processes of “cultural diffusion,” even that entailing the incremental disintegration of a culture, was not genocidal; but “premeditated” “surgical operations,” and “deliberate assassinations” of them were.<sup>116</sup>

The United Nations Convention on the Prevention and Punishment of Genocide of 1948 omitted cultural genocide from the final version of the drafts it considered, but otherwise remained faithful to Lemkin’s intentions.<sup>117</sup> Important to note here is that killing is only one of five techniques of destruction, that the state is not named as the perpetrator, and that the intention to permanently

cripple a group is gestured to with the wording that destroying “part” of a group can be genocidal. Genocide is not a synonym for the Holocaust. Article II defines genocide as

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.

### Rival Paradigms of Genocide

Despite these clear guidelines from Lemkin and the UN, scholars have wrangled with one another over the meaning of genocide, or suggested alternative definitions. Part of the reason for this is that Lemkin’s writings are open to rival interpretations. Another is that, as a lawyer, he was concerned above all with criminalizing behavior, rather than accounting for it. Like the UN, his priority was to identify what genocide is, not to explain why it happens. Regrettably, his projected history of genocide, of which a rough draft exists and in which he presents a differentiated analysis of many case studies, was never published. Until this work is made available to the scholars, they must either visit the archives in New York and Cincinnati where it is stored, or limit themselves to his publications. Understandably, they have done the latter—including this writer until recently—and have therefore won the impression that genocide is a massive hate crime based purely on prejudice, rather than on the material, ethnic and other rivalries that usually subtend the escalation of conflict in an exterminatory direction.<sup>118</sup>

Consequently, scholars developed their own definitions of genocide and explanatory frameworks. In general, they have done so in two ways. One paradigm, which I call “intentionalist,” regards the Holocaust as the archetypal genocide and therefore emphasizes the official, exterminatory goal of the state to kill groups of people. The other, a reaction to the first, is “structuralist” because it averts the issue of perpetrator agency and intention by highlighting anonymous “genocidal processes” of cultural and physical destruction.<sup>119</sup> Both have important implications for the relationship between genocide and colonialism.

The dominant approach has been the intentionalist one, because until recently genocide studies has been virtually monop-

olized by North American social scientists. While it rejects the claims of Holocaust uniqueness, intentionalism nonetheless frames the Holocaust as the prototypical genocide. Representative are the Canada-based scholars Frank Chalk and Kurt Jonassohn. In a series of publications in the 1980s, culminating in their widely-used textbook, *The History and Sociology of Genocide*, they attacked the UN Convention and proposed their own influential definition of genocide.<sup>120</sup> The UN's formulation was inadequate, they contended, because it omitted political and social groups as possible targets of genocide, but included nonlethal forms of group destruction. Genocide, they insisted, should be restricted to "one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator."<sup>121</sup>

Although Lemkin did not support the inclusion of political and social groups, his writings do contain phrases that support the intentionalist viewpoint. With the Nazi plans to reorder the populations of Europe in mind, he wrote that genocide was "a synchronized attack" and "a co-ordinated plan of different actions aiming at the destruction of the essential foundations of life of national groups, with the aim of annihilating the groups themselves."<sup>122</sup> On this reading, the agency of the perpetrator and its exterminatory mens rea is clearly identifiable. Genocide is established when an agent, in particular the modern state, can be determined to possess the requisite genocidal intention.

The intentionalist view has lost ground among genocide scholars, but still suffuses popular imagination.<sup>123</sup> What does it have to say about colonial genocide? Very little. There are three problems with it. The first is that perpetrator agency is often difficult to identify in colonial contexts. As Jürgen Zimmerer points out in this volume, the colonial state was akin to the premodern state, governing via "mediating" powers, and usually not disposing over a monopoly of coercive powers within its claimed borders. Settlers often outstripped the regulatory capacity of the metropolitan authority, which in Australia was anxious to prevent frontier bloodshed. Consequently, in cases where the state wanted to prosecute murders of Aborigines by settlers who refused to cooperate in the legal proceedings, where is one supposed to identify the genocidal perpetrator?<sup>124</sup> Obviously not with the officials. But if genocide is by definition a crime of state, then no one is liable despite the fact many Indigenous groups were wiped out by posses of armed civilians, whose frontier communities protected the killers behind a veil of silence and secrecy.<sup>125</sup>

The second problem with the intentionalist approach is that most Indigenous deaths in colonizing contexts resulted from European diseases, as well as from intensified intra-Indigenous violence that attended the displacement of peoples from their traditional lands.<sup>126</sup> Because these consequences were not an intended result of British colonization or policy, they are not pertinent to the question of genocide. After all, colonization was a complex and unplanned process, as Sir Robert Seeley observed of the British Empire in 1881: "We seem, as it were, to have conquered and peopled half the world in a fit of absence of mind."<sup>127</sup> But does insisting that the catastrophic collapse in Indigenous populations after the arrival of Europeans was an unfortunate accident constitute a satisfactory response?

Thirdly, the intentionalist view of the causes of colonial genocides—if they are considered genocides at all—offers an attenuated account of why they happen. Such scholars are wont to typologize genocides according to motive, distinguishing for example between "developmental" or "utilitarian" genocides of Indigenous peoples, and "ideological" genocides against scapegoated or hostage groups.<sup>128</sup> The motive in imperial contexts is held to be individual and collective "greed." In this vein, nineteenth-century settlers would attribute Indigenous deaths to scurrilous whites, such as escaped or former convicts, rather than to the colonization project as a whole. Typical were Adam Smith's observations in his *The Wealth of Nations* of the "dreadful misfortunes" that befell the natives of the East and West Indies. But they

seem to have arisen rather from accident than from anything in the nature of those events themselves. At the particular time when these discoveries were made, the superiority of force happened to be so great on the side of the Europeans that they were enabled to commit with impunity every sort of injustice in those remote countries.<sup>129</sup>

The problem here, as Stanner pointed out in relation to violent incidents in the first moments of colonization of Australia in 1788, is the blindness to the structural determinants of the colonization: the British "suspected the convicts and to a lesser extent the aborigines, but not themselves or the fact and design of the colony."<sup>130</sup>

The limitations of this approach are readily apparent. It is radically voluntarist and can only "explain" why genocides occur with circular logic by referring to the intentions of the perpetrator: they commit them because they want to. These conceptual problems are not surprising. Such a perspective insulates the state from powerful social forces that push for the expulsion or extermination of native

peoples on coveted land by attributing blame to genocide on anti-liberal ideologies that commit mass crimes in the name of utopian fantasies. As a prominent intentionalist Frank Chalk reminds us, “we must never forget that the great genocides of the past have been committed by [state] perpetrators who acted in the name of absolutist or utopian ideologies aimed at cleansing and purifying their worlds.”<sup>131</sup> The intentionalist paradigm of genocide is really a species of totalitarianism theory. It is not equipped with the intellectual tools to consider the issues raised by colonialism.

Are we left, then, having to choose “between a pre-meditated and an accidental wrongdoing,” the former deemed genocide, the latter trivialized as the unintended consequences of an otherwise benign colonization?<sup>132</sup> A rival school of structuralist scholars has attempted to come to terms with this conundrum. An important contribution is Tony Barta’s 1987 intervention, “Relations of Genocide: Land and Lives in the Colonization of Australia.”<sup>133</sup> Barta was interested in explaining the “genocidal outcomes” in colonial societies, and he found in the concept of “relations of genocide” a way of obviating the centrality of state policy and premeditation in the hegemonic intentionalist definition of the term:

Genocide, strictly, cannot be a crime of unintended consequences; we expect it to be acknowledged in consciousness. In real historical relationships, however, unintended consequences are legion, and it is from the consequences, as well as the often muddled consciousness, that we have to deduce the real nature of the relationship.<sup>134</sup>

Barta concluded that all Australians live in objective “relations of genocide” with Aborigines, and that Australia was a “genocidal society,” because its original inhabitants were fated to die in enormous numbers by the pressure of settlement, irrespective of the protective efforts of the state and philanthropists. White Australians continued to occupy the land on which Aborigines had once thrived, even if they had no subjective intention to eliminate them. A similar argument has been made recently by Alison Palmer, who shows how colonial genocides are often “society-led” rather than “state-led.”<sup>135</sup>

The Australian historians Raymond Evans and Bill Thorpe have continued this line of reasoning, proposing a new term altogether—“indigenocide”—which they distinguish from Holocaust with its concerted, state-driven, bureaucratic, and industrial killing. Although Lemkin does not appear in their footnotes, the concept has clear affinities with his definition:

“Indigenocide” is a means of analysing those circumstances where one, or more peoples, usually immigrants, deliberately set out to supplant a group or groups of other people whom as far as we know, represent the Indigenous, or Aboriginal peoples of the country that the immigrants usurp.<sup>136</sup>

Indigenocide has five elements: the intentional invasion/colonization of land; the conquest of the indigenous peoples; the killing of them to the extent that they can barely reproduce themselves and thereby come close to extinction; their classification as vermin by the invaders; and the attempted destruction of their religious systems. Indigenocide is consistent with the continued existence of indigenous peoples so long as they are classified as a separate caste.<sup>137</sup> Accordingly, not all imperialisms are genocidal. The British occupation of India, for example, was not a project of settlement, and the fact that the colonizers relied on the labor of the locals was an impediment to physical genocide.<sup>138</sup>

Other structuralist scholars like Ann Curthoys and John Docker have pointed to Lemkin’s writings that make the link between genocide and colonization.<sup>139</sup> “Genocide has two phases,” he wrote:

one, destruction of the national pattern of the oppressed group: the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population which is allowed to remain, or upon the territory alone, after removal of the population and the colonization of the area by the oppressor’s own nationals.

In fact, Lemkin hints that genocide is *intrinsically colonial* and that therefore settler colonialism is *intrinsically genocidal*. The basis of this conclusion is the aim of the colonizer to supplant the original inhabitants of the land. In relation to the Nazis, he thought that the

coordinated German techniques of occupation must lead to the conclusion that the German occupant has embarked upon a gigantic scheme to change, in favor of Germany, the balance of biological forces between it and the captive nations for many years to come. The objective of this scheme is to destroy or to cripple the subjugated people in their development.<sup>140</sup>

Indeed, although he regarded the United States as a refuge and potential agent for the reform of international law to criminalize genocide, Lemkin was under no illusion about the nature of European colonialism. His projected publications on the history of world genocide included the cases of the Indigenous peoples of

South and North America, the Aboriginal Tasmanians, and the Herero of German Southwest Africa.<sup>141</sup> In what follows, I propose to transcend the conceptual tension between intentionalist and structuralist approaches in a manner that, I hope, keeps faith with Lemkin's ecumenical definition of genocide.

### Genocide and Settler Society

There are three ways in which the genocide concept and settler society can be brought into a productive relation. One entails considering the nature of intention in colonial contexts, the second reflects on the structure of settler colonialism, and the third isolates processes of radicalization that lead to "genocidal moments."

#### *Rethinking Intention*

The current definition of intention—*mens rea*—means subjectively willing a particular outcome of policy, a definition that favors the intentionalist paradigm of genocide. But this is not the only way to think about the question. In nineteenth-century English law, a person was inferred to have intended the "natural consequences" of his or her actions: if the result proscribed was reasonably foreseeable as a likely consequence of his or her actions, the presumption was that the accused had intended the result.<sup>142</sup> Very few genocide scholars have taken seriously this capacious notion of intention. One of them, Roger Smith, however, has seen the implications for colonialism:

Sometimes ... genocidal consequences precede any conscious decision to destroy innocent groups to satisfy one's aims. This is most often the case in the early phase of colonial domination, where through violence, disease, and relentless pressure indigenous peoples are pushed toward extinction. With the recognition of the consequences of one's acts, however, the issue is changed: to persist is to intend the death of a people. This pattern of pressure, recognition, and persistence is typically what happened in the nineteenth century.<sup>143</sup>

Let us consider the case of the British in nineteenth-century Australia in terms of this pattern of recognition and consciousness of consequences in which authorities were implicated. The Colonial Office was constantly warning the settlers—both the governors and the pastoralists—not to exterminate the Aborigines. The Aboriginal population declined drastically because of malnutrition, starvation, disease, frontier violence with whites, increased intra-Aboriginal

conflict, and reduced fertility. If we use a differentiated concept of intention, authorities in London cannot escape responsibility for this consequence of British settlement. For while they wrung their hands about the frontier violence and the tribal extinctions, they were unwilling to cease or radically amend the colonization project. The Select Committee Report of 1837, which exhorted greater London supervision, made no impact. Despite admonishing missives from London and occasional colonial compromises, the fatal pattern of events continued to unfold unchanged, such that Colonial Office officials resigned themselves to the inevitable. Wrote one official:

The causes and the consequences of this state of things are clear and irremediable, nor do I suppose that it is possible to discover any method by which the impending catastrophe, namely, the elimination of the Black Race, can be averted.<sup>144</sup>

Writing soon thereafter, Herman Merivale, a young professor of political economy at Oxford University, prophesied the same conclusion, because of

the perverse wickedness of those outcasts of society whom the first waves of our colonization are sure to bring along with them. If their violence and avarice cannot be restrained by the arm of power—and it must be confessed that there appears scarcely any feasible mode of accomplishing this—it is impossible but that our progress in the occupation of barbarous countries *must be attended with the infliction of infinite suffering*. ... The history of the European settlements in American, Africa, and Australia presents everywhere the same general features—a *wide and sweeping destruction of native races* by controlled violence of individuals, if not of colonial authorities, followed by tardy attempts on the part of governments to repair the acknowledged crime.<sup>145</sup>

Darwin, too, saw extinction as predictable: "We can see that the cultivation of the land will be fatal in many ways to savages, for they cannot, or will not, change their habits."<sup>146</sup>

Certainly, colonialism in Australia, as elsewhere, could not be halted in the manner of flicking a light switch. The Colonial Office, for example, was only a small part of a massive state apparatus. Nonetheless, the rhetoric of Indigenous decline also served to mask choices open to policy-makers, choices they were not prepared to entertain because they fundamentally approved of the civilizing process in which they were engaged. The fact is that they did not take their own humanitarian convictions seriously enough to implement the radical measures necessary to prevent Indigenous deaths—negotiating over land rights, for instance—whether caused

by massacre and starvation, for these measures would entail relinquishing control of the land and jeopardizing the colonizing mission. Talk of inexorable extinction reflected a racist theodicy as much as governmental impotence.

The fact is that European colonial powers knew the outcome of their settlement projects. They were well aware of the choices, and were prepared to countenance their consequences. This awareness extended to the mass death caused by diseases like smallpox. Only an attenuated concept of intention would exculpate the European powers in these circumstances: after all, the disappearance of many indigenous peoples from the face of the earth was a natural consequence of their actions, and they knew it on the frontier, in the colonial capital, and back home at the imperial seat of power. Where genocide was not consciously willed, then it was implicitly intended in the sense of the silent condoning, sometimes agonized acceptance, of a chain of events for which they were co-responsible and were not prepared to rupture.<sup>147</sup>

Nor did the British colonial states stand by neutrally as the settlers had their way with the Indigenous peoples. They often aided and abetted their annihilation by disallowing Aboriginal testimony in legal proceedings or by acting vigorously on their behalf. Indeed, Aboriginal status as British subjects, equal before the law, existed more in the breach than the observance, their “criminal” activity the object of merciless punitive raids that went unpunished by the authorities.<sup>148</sup>

### *The Deep Structure of Settler Colonialism*

Of course, by definition settler societies had emancipated themselves from imperial sovereignty, a fact that historians have regarded as sealing the fate of the Indigenous peoples. “When neither intervention nor mediation was feasible,” wrote one, “victory was certain to go to the stronger—that is, to the white settlers—as most of those in London who were officially concerned with the problem had foreseen with dismay.” The Aboriginal defeat was a “tragedy” and “the almost inevitable result of a conflict between the settlers and the Aborigines.”<sup>149</sup> But why was British “victory”—the meaning is undefined—an inevitable tragedy? Here we touch on an intrinsic dimension of settler colonialism that has only recently received explicit recognition in Australian historiography, namely that, as the historian Patrick Wolfe observed pithily, European “invasion is a structure not an event.”<sup>150</sup> Because of incommensurable modes of production between the Europeans and Aborigines, settler colonialism entails a “zero-sum contest over land,” at least

over land that Europeans coveted. The Europeans wanted Aborigines’ land, not their labor, except, ultimately, in various rural industries in northern Australia. “Thus the primary logic of settler colonialism can be characterized as one of elimination.”<sup>151</sup>

The objective imperative to eliminate the Aboriginal presence endures apart from the subjectively-held racist beliefs of immigrant Australians. This model does not preclude the granting of reserves of Aborigines or the creative adaptation of Aborigines to European land-use. In the former, where Aborigines were granted reserves on fertile ground in NSW, they were eventually dispossessed in the face of white lobbying. In fact, reserves were conceived, because, as one government official noted in 1905, “Carrying the present policy of Might against Right to a logical conclusion, it would simply mean that, were all the land in the northern areas of the State to be thus leased, all the blacks would be hunted into the sea.”<sup>152</sup> In the case of Aboriginal cultural adaptation, the fact remains that the European economic system had supplanted its hunter-gatherer rival. This enduring deep structure thereby undercuts the humanitarians’ redemptive hope that harmonious “race relations” would obtain once they had banished subjectively-held racist beliefs.

This fact has been recognized in the past, but not in a systematic way. Clive Turnbull, for example, who in 1948 wrote *Black War* on “the extermination of the Tasmanian Aborigines,” was unclear whether the state or society was responsible for the Indigenous disaster. But the either/or nature of this encounter between the British and Aborigines was clear: “No doubt many men were appalled by the atrocities committed upon the natives; but, as the only logical remedy would have been to deny to the invaders all property rights in the island one pious palliative after another was put forward until eventually the aborigines solved the problem in the most convenient way for all by dying.”<sup>153</sup>

That the Indigenous peoples as unintegrated, autonomous communities in the body politic would have to be eliminated one way or the other was patent even to humanitarians like Merivale in the 1830s. There were only three paths open for the Aborigines, he told his Oxford audience: their “extermination,” training for civilization in isolated reserves, or “amalgamation” with the colonists. Rejecting the first option of the triumphalists, and discounting the second as unfeasible, he advocated the “union of natives with the settlers in the same community,” a notion he confessed would appear “wild and chimerical” to his listeners. And yet, he continued, it was “the only possible *Euthanasia* of savage communities,”

by which he meant their disappearance as peoples by intermarriage and integration into the productive community.<sup>154</sup>

Settler society thereby reveals itself to typify those attributes that the sociologist Zygmunt Bauman regards as inherent to modernity. Borrowing categories from Claude Levi-Strauss, he identifies two strategies by which modern societies deal with alterity:

One was *anthropophagic*: annihilating the strangers by *devouring* them and then metabolically transforming into a tissue indistinguishable from one's own. This was the strategy of *assimilation*: making the different similar; smothering of cultural and linguistic distinctions; forbidding all traditions and loyalties except those meant to feed the conformity to the new and all-embracing order; promoting and enforcing one and only one measure of conformity. The other strategy was *anthropoemic*: *vomiting* the strangers, banishing them from the limits of the orderly world and barring them from all communication from those inside. This was the strategy of *exclusion*—confining the strangers within the visible walls of the ghettos or behind the invisible, yet no less tangible, prohibitions of *commensality*, *connubium* and *commercium*; “cleansing”—expelling the strangers beyond the frontiers of the managed and manageable territory.<sup>155</sup>

These are compelling terms with which to consider the settler colonial project. A logic of elimination toward Indigenous peoples does indeed constitute its essence. And yet, the historian will want to pose three questions. First, does the term “elimination” obscure as much as it reveals? The American political scientist Daniel J. Goldhagen infamously mounted a case that Germans were possessed by “eliminationist antisemitism,” by which he meant both the liberal desire to assimilate Jews *and* the Nazi fantasy to exterminate them. True, public “Jewishness” would be effaced in both cases, but they are also qualitatively different “solutions” to a perceived “Jewish problem”: murder cannot be regarded as *simply* a functional equivalent of assimilation.<sup>156</sup> In any event, is assimilation really genocide? Russell McGregor makes a compelling case in his chapter that it is not. The third question would be when and why the various modalities of settler colonialism change. As it stands, the structuralist schema is too static. It needs to be supplemented by an account of how and why the settler-colonial system radicalizes from assimilation to destruction.

#### *Processes of Radicalization as the Generation of “Genocidal Moments”*

The deep structure of settler society shows us that the objective and inherent character of the British occupation of the Australian con-

continent necessarily entailed the large-scale attack on Aboriginal society as a culture and vast numbers of Aborigines—their “euthanasia”—even if mass death was not its aim. Triumphalists will point to the benign intentions of policy-makers to excuse them of direct responsibility for the consequences for colonization. Does this mean that we must leave the question of cultural dislocation and mass death that accompanies colonization to the theodicies of the apologists for “economic development”? Not if we can find instances of genocidal policy. To understand such how policies evolve, however, it is necessary to frame them as features of radicalization processes. Colonial decision-makers need to be linked to the structures and contexts in which they were embedded. The intentionalist-structuralist dichotomy can be mediated by embedding subjective genocidal policy development and implementation in the “objective” dimension of the colonial process, highlighted by Barta, Wolfe, and others.<sup>157</sup>

The mechanism of policy radicalization is the intensity of Indigenous resistance. How did authorities respond when Aborigines did not “melt away,” and put up sufficient resistance to pastoralists and pastoralism—a key sector of the economy—such as to threaten the viability of one of the colonies? The answer is that governments in the metropolis came under intense pressure from the frontier periphery, and sometimes were prepared to entertain “final solutions” to the “Aboriginal problem.” Instead of arguing statically that the colonization of Australia was genocidal *tout court*, or insisting truculently that it was essentially benevolent and progressive, it is analytically more productive to view it as a dynamic process with genocidal potential that could be released in circumstances of crisis. The place to look for genocidal intentions, then, is not in explicit, prior statements of settlers or governments, but in the gradual evolution of European attitudes and policies as they were pushed in an exterminatory direction by the confluence of their underlying ideological assumptions, the acute fear of Aboriginal attack, the demands of the colonial and international economy, their plans for the land, and the resistance to these plans by the Indigenous peoples.

In other words, the British colonization of Australia was *objectively* and *inherently* “ethnocidal” (i.e., the attack of Aboriginal cultures) and fatal for many Aborigines, and potentially genocidal. The destruction of Aboriginal society as a nomadic form of life was an aim of the colonizers after the 1820s in places where British land-use demanded sedentarism; this is what they meant by “civilizing” the Aborigines. But only after the initial illusions of

peaceful coexistence had been dispelled with increasing contact between the two sides did the deadly implications *inherent* in the process become apparent to all and, in a particular constellation of circumstances, its *objective implication* become *subjectively located* in the consciousness of the colonial agents themselves. This is the origin of those “genocidal moments” when the triumphalists determine policy.

In their clamor for government protection and the implementation of exterminatory policies, the Europeans on the frontier articulated the logic of the colonization process in its most pure form: driven by international market forces, they seized the land of Aboriginal groups without compensation or negotiation, and excluded them from their sources of food. A struggle for survival ensued in which, from the European perspective at the time, the Aborigines had to be subdued, and, if necessary, exterminated.<sup>158</sup> For if the settlers did not get their way and were forced to abandon the land, the economic system would collapse and with it the colonization project itself. In these circumstances, the structure or objective implication of the process became consciously incarnated in its agents, and this is the moment when we can observe the development of the specific genocidal intention that satisfies the UN definition.

The radicalization of official policy was most intensive where the lobbying by frontier whites was most successful. The variable here is the extent to which the colony was a settler society, that is, an autonomous, self-governing polity free from the supervision of the imperial parent and its humanitarian agenda of Aboriginal legal equality. The Australian colonies that were settled in the first half of the nineteenth-century—New South Wales, Tasmania, Victoria, and South Australia—remained under the scrutiny of London and colonial governors. The colony of Queensland, however, which achieved independence from New South Wales in 1859, represented the interest of the squatter—that is, the priorities of the frontier—without the inhibiting factor of control from Sydney or London. It was the purest incarnation of settler priorities and their pragmatist supporters, as Raymond Evans shows in this volume.

The imperial view was certainly that the settlers could not be trusted to treat the Indigenous peoples justly. Merivale, for example, advised that colonial legislatures should not be responsible for “protecting” the natives, nor that settlers have “any share in judicial proceedings against” them.<sup>159</sup> It is with this intuition that one British historian opined recently that “had Australia been an independent republic in the nineteenth century, like the United

States, the genocide [of the Tasmanians] might have been on a continental scale.”<sup>160</sup>

This approach towards the genesis of the genocidal moments affords an insight into the character of the colonization process itself. The tendency of historians to isolate the Tasmanian and Queensland cases—Tasmania because “total extinction” is thought to have occurred, and Queensland because it was notoriously violent—from the rest of the colonization experience of Australia and class them as exceptions to the rule of peaceful settlement, can be disposed of by the argument that they were in fact the inevitable consequences of particularly resolute Aboriginal resistance. The extreme measures seen in those cases did not occur to the same extent elsewhere because they did not need to. Invading whites usually were able to clear the land of Aborigines by other, less-systematic methods, or disease and other factors did the work for them. The colonization process was objectively lethal for Aborigines, irrespective of initial intentions of the state and settlers, and where Aborigines did not “fade” or “melt away,” the settlers, and where necessary the state, ensured that the process of elimination was continued by consciously expediting its fatal logic.

## Conclusion

The traditional settler society model of comparative analysis, which typically traced the different ways in which white male settlers heroically conquered the land and established democracies of one sort or another, has been criticized by post-colonial theorists and anthropologists for ignoring questions of race, ethnicity, and gender.<sup>161</sup> Even in its critical humanitarian incarnation, the settler society paradigm still posits narrative of redemption—a morally clean settlement—once Aborigines have been given native title to land.<sup>162</sup> For these reasons, comparative histories of societies of those European settlements along these lines have gone out of fashion.

And yet, comparative historical analysis is more urgent than ever before, as these societies grapple with questions of Indigenous sovereignty and other legacies of colonization.<sup>163</sup> This book suggests that the settler society paradigm remains a useful way of proceeding when viewed under the aspect of the genocide concept. *Genocide and Settler Society* focuses on Australia—an ignored case in the genocide studies literature—but also considers others, as in the chapters by Jürgen Zimmerer, Paul Bartrop, and Isabel Heinemann. I am not suggesting that the entirety of Australian history

can be reduced to genocide. (No one suggests that studying the Holocaust reduces German history to Nazi genocide.) But neither is it possible to regard the country's genocidal moments in the manner of an industrial accident. They are not contingencies, attributable to misguided or wicked men, but intrinsic to the deep structure of settler society. Indeed, the logic of elimination reappears from time to time, as in the hysteria over native title in the 1990s, when certain groups of Aborigines were temporarily granted the right to exercise veto power over mining projects. This impediment to the economic system—in this case represented by mining companies—needed to be eliminated, and so it was, with the so-called easy “extinguishment” of native title legislated by the conservative government in 1997.

The genocide perspective and, in particular, the focus on radicalization offers other advantages. Unlike the alternative approaches of military history or generic frontier violence (especially the preoccupation with massacres), it highlights the complex interplay between settler communities on the frontier and metropolis and the state in its various incarnations.<sup>164</sup> And because it does not insist that total physical extermination take place, and argues that cultural technologies of governance can entail group extinctions, it draws our attention to the fantasies of racial engineering that policy-makers entertained after the “pacification” on the frontier.

Plainly, more work needs to be done, especially with local and regional analyses.<sup>165</sup> This book does not pretend to provide a conclusive answer to the genocide question in Australian history. Nor does it purport to be a history of Indigenous peoples. It is about the settlers and the society they established. It presents the latest research of scholars in various fields, and by shattering the Gorgon effect in thinking about genocide in settler societies, hopes to stimulate still more research and informed discussion. Through such critical reflection, the authors hope that the potential for genocidal moments inherent in settler societies will be disappear.

### Acknowledgements

I thank Bain Atwood, Tony Barta, Beth Drenning, Raymond Evans, Andrew Fitzmaurice, Jan Kociumbas, Ben Kiernan, Tim Rowse, and Lyndall Ryan for many helpful suggestions, and Ruth Balint for research assistance on population statistics. The views expressed and any errors committed here, however, remain mine.

### Notes

1. *The Iliad*, 5.741.
2. Dan Diner, *Beyond the Inconceivable: Studies on Germany, Nazism, and the Holocaust* (Berkeley, 2000); Saul Friedländer, “The ‘Final Solution’: On the Unease in Historical Interpretation,” *History and Memory* 1 (Fall/Winter 1989): 61-75. Inga Clendinnen uses the term “Gorgon effect” in *Reading the Holocaust* (Cambridge, 1999), 4. She wrote her book to defeat it.
3. Cf. Alison Palmer, “Colonial and Modern Genocides: Explanations and Categories,” *Ethnic and Racial Studies* 21, no. 1 (1998): 89-115.
4. Mark Mazower, “After Lemkin: Genocide, the Holocaust and History,” *The Jewish Quarterly* (Winter, 1994/5): 8.
5. Vinay Lal, “Genocide, Barbaric Others, and the Violence of Categories: A Response to Omer Bartov,” *American Historical Review* 104 (October 1998): 1188.
6. These debates are discussed in: A. Dirk Moses, “Conceptual Blockages and Definitional Dilemmas in the ‘Racial Century’: Genocides of Indigenous People and the Holocaust,” *Patterns of Prejudice* 36, no. 4 (2002): 7-36; Alan S. Rosenbaum, ed., *Is the Holocaust Unique?*, 2nd ed. (Boulder, Colo., 2001); Gavriel D. Rosenfeld, “The Politics of Uniqueness: Reflections on the Recent Turn in Holocaust and Genocide Scholarship,” *Holocaust and Genocide Studies* 13, no. 1 (1999): 28-61.
7. Ward Churchill, *A Little Matter of Genocide* (San Francisco, 1997), 405. Churchill is aware that the residue of the Indigenous population was relocated to Flinders Island, noting that “This supposed absolution from allegations of genocide makes about as much sense as to suggest that, had they stopped of their own accord after slaughtering more than 6 million Jews, the World War II nazi extermination program would not have constituted genocide.” In this tradition is also Ian Herson's charge that the extinction of the Aboriginal Tasmanians is “a stain which has never been removed from the banners of the British Empire.” See his *The Savage Empire: Forgotten Wars of the 19th Century* (Thrupp, UK, 2000), 62.
8. Hannah Arendt, *The Origins of Totalitarianism*, 2nd ed. (London, 1958), 182, 187n4, 186, cf. 128.
9. David E. Stannard, *American Holocaust: Columbus and the Conquest of the New World* (New York, 1992).
10. F.W. and J.M. Nicholas, *Charles Darwin in Australia* (Cambridge, 1989), 30f.
11. James Prichard, “On the Extinction of Human Races,” *The Edinburgh New Philosophical Journal* (October 1839-April 1840): 169f. On Prichard (not in fact spelled with a ‘t’), see George W. Stocking's introduction to Prichard, *Researches into the Physical History of Mankind* (Chicago, 1973). I thank Dan Stone for this reference.
12. For Darwinism and Social Darwinism in Australia, see Russell McGregor, *Imagined Destinies: Aboriginal Australians and the Doomed Race Theory, 1880-1939* (Melbourne, 1997); Barry W. Butcher, “Darwin Down Under: Science, Religion, and Evolution in Australia,” in *Disseminating Darwin: The Role of Place, Race, Religion, and Gender*, ed. Ronald L. Numbers and John Stenhouse (Cambridge, 1999), 39-60; idem, “Darwinism, Social Darwinism, and the Australian Aborigine: A Re-evaluation,” in *Darwin's Laboratory: Evolutionary Theory and Natural History in the Pacific*, ed. Roy MacLeod and Philip F. Rehbock (Honolulu, 1994), 371-94; Mark Francis, “Social Darwin-

- ism' and the Construction of Institutionalised Racism in Australia," *Journal of Australian Studies* nos. 50/51 (1996): 90-105.
13. Anthony Trollope, *Australia* [1872], ed. P.D. Edwards and R.B. Joyce (Brisbane, 1967), 175, 100, 109, 112f.
  14. Charles W. Dilke, *Problems of Greater Britain*, 4th rev. ed. (London and New York, 1890), 214.
  15. For a catalogue of such quotations, see Patrick Brantlinger, "Dying Races': Rationalizing Genocide in the Nineteenth Century," in *The Decolonization of Imagination: Culture, Knowledge and Power*, ed. Jan Nederveen Pieterse and Bhikhu Parekh (London and New Jersey, 1995), 43-56. More generally, see his *Rule of Darkness: British Literature and Imperialism, 1830-1914* (Ithaca, NY, 1988), and Anthony Pagden, *Peoples and Empires* (London, 2001), 150.
  16. T. Bartlett, *New Holland etc.* (London, 1843), 65f. cited in Henry Reynolds, "Racial Thought in Early Colonial Australia," *Australian Journal of Politics and History* 20, no. 1 (1974): 45.
  17. Cited in Henry Reynolds, "Frontier History After Mabo," *Journal of Australian Studies* no. 49 (1996): 4.
  18. Richard Broome, "Historians, Aborigines and Australia: Writing the National Past," in *In the Age of Mabo: History, Aborigines and Australia*, ed. Bain Attwood (Sydney, 1996), 55.
  19. Jane Samson, "British Voices and Indigenous Rights: Debating Aboriginal Legal Status in Nineteenth Century Australia and Canada," *Culture of the Commonwealth: Essays and Studies* 2 (Winter 1996-97): 5-16.
  20. Henry Reynolds, *This Whispering in our Hearts* (Sydney, 1998), 247.
  21. See the discussion of R.H.W. Reece, *Aborigines and Colonists* (Sydney, 1974), 132ff. On the problem of prosecuting white murderers of blacks, see Gary Highland, "Aborigines, Europeans and the Criminal Law," *Aboriginal History* 14 (1990): 182-96.
  22. Richard Broome, *Aboriginal Australians*, 2nd ed. (Sydney, 1994), 97ff; Ann McGrath, ed., *Contested Ground: Australian Aborigines under the British Crown* (Sydney, 1995), 73, 135-42, 181-88, 225f., 253f.
  23. Bain Attwood, *Rights for Aborigines* (Sydney, 2003), 54-102; Andrew Markus, *Governing Savages* (Sydney, 1990), 158-72; Reynolds, *Whispering*, 216-44.
  24. Bain Attwood, "Rights, Racism and Aboriginality: Critics of Assimilation in the 1950s and 1960s," in *Contesting Assimilation*, ed. Tim Rowse (Perth, 2004). For the Stanner quotation, see the Russell McGregor's chapter at 298.
  25. Jennifer Clark, "'The Winds of Change' in Australia: Aborigines and the International Politics of Race, 1960-1972," *International History Review* 10, no. 1 (1998): 89-117.
  26. John Cawte, "Racial Prejudice and Aboriginal Adjustment," in *Racism: The Australian Experience*, Vol. 2, ed. F.S. Stevens (Sydney, 1972), 45.
  27. Bain Attwood and Andrew Markus, *The 1967 Referendum, or, When Aborigines Didn't Get the Vote* (Canberra, 1997).
  28. Ann Curthoys, *Freedom Ride: A Freedom Rider Remembers* (Sydney, 2002); idem, "National Narratives, War Commemorations, and Racial Exclusion in a Settler Society," in T.G. Ashplant, Graham Dawson, and Michael Roper, eds., *The Politics of War Memory and Commemoration* (London and New York, 2000), 128-44.

29. Heather Goodall, *From Invasion to Embassy: Land in Aboriginal Politics in New South Wales, 1770-1972* (Sydney, 1996), 335-51; Nicolas Peterson and Marcia Langton, eds., *Aborigines, Land and Land Rights* (Canberra, 1983).
30. W.E.H. Stanner, *After the Dreaming* (Sydney, 1968), 26, and idem, "The History of Indifference thus Begins," *Aboriginal History* 1, no. 1 (1977): 22. This article was drafted in 1963. Good surveys of the literature are Bain Attwood, "Aboriginal History," in *Historical Disciplines in Australasia: Themes, Problems and Debates*, ed. J.A. Moses, Special Issue of the *Australian Journal of Politics and History* 41 (1995): 33-47; Attwood and S.G. Foster, "Introduction," in *Frontier Conflict: The Australian Experience*, ed., Attwood and Foster (Canberra, 2003), 1-30.
31. C.D. Rowley, *The Destruction of Aboriginal Society* (Canberra, 1970); idem, *Outcasts in White Australia* (Canberra, 1971), and idem, *The Remote Aborigines* (Canberra, 1971). See the commentary of Broome, "Historians, Aborigines and Australia," 68. On Rowley, see Elspeth Young, "Charles Rowley – a Fighter for Justice and Equality," *Aboriginal History* 10 (1986): 3-6.
32. For example, Raymond Evans, "European-Aboriginal Relations in Queensland, 1880-1910" (BA Honors Thesis, University of Queensland, 1965); R.W.H. Reece, "The Aborigines and Colonial Society in New South Wales before 1850, with Special Reference to the Period of the Gipps Administration, 1838-1846" (MA Thesis, University of Queensland, 1969); Noel Loos, "Frontier Conflict in the Bowen District, 1861-74" (MA Qual. Thesis, James Cook University, 1970); Ann Curthoys, "Race and Ethnicity: A Study of the Response of British Colonists to Aborigines, Chinese, and Non-British Europeans in New South Wales, 1856-1881" (PhD Thesis, Macquarie University, 1973).
33. Humphrey McQueen, *A New Britannia* (Melbourne, 1970); Raymond Evans, Kay Saunders, Kathryn Cronin, *Exclusion, Exploitation and Extermination: Race Relations in Colonial Queensland* (St. Lucia, 1975); Noel Loos, *Invasion and Resistance: Aboriginal-European Relations on the North Queensland frontier 1861-1897* (Canberra, 1982); Henry Reynolds, "Violence, the Aborigines, and the Australian Historian," *Meanjin* 31, no. 4 (December 1972): 471-77; idem, "The Other Side of the Frontier," *Australian Historical Studies* 17, no. 66 (1976), 50-63; idem, *The Other Side of the Frontier: Aboriginal Resistance to the European Invasion of Australia* (Melbourne, 1981); Michael Christie, *Aborigines in Colonial Victoria, 1835-1886* (Sydney, 1979). Lyndall Ryan, *The Aboriginal Tasmanians*, 2nd ed. (Sydney, 1996).
34. A. Dirk Moses, "Coming to Terms with the Past in Comparative Perspective: Germany and Australia," *Aboriginal History* 25 (2001): 91-115.
35. Bruce Elder, *Blood on the Wattle: Massacres and Maltreatment of Australian Aborigines since 1788* (Sydney, 1988), 200. See also Bernard Smith, *The Spectre of Truganini* (Sydney, 1980); Lorna Lippmann, *Generations of Resistance: The Aboriginal Struggle for Justice* (Melbourne, 1981); Jan Roberts, *From Massacre to Mining: The Colonization of Aboriginal Australia* (Blackburn, Vic., 1981); Michael Cannon, *Who Killed the Koories?* [sic] (Melbourne, 1990), chapter 22; Norman C. Habel, *Reconciliation: Searching for Australia's Soul* (Sydney, 1999), 48-50, 171-73.
36. Phillip Knightly, *Australia: Biography of a Nation* (London, 2000), 107.
37. Mary Kalantzis, "Recognising Diversity," in *Unity and Diversity: A National Conversation*, ed. Helen Irving (Sydney, 2001), 130-148; Tony Barta, "Discourses of Genocide in Germany and Australia: a Linked History," *Aboriginal*

- History* 25 (2001): 37-56; Simone Gigliotti, "Unspeakable Past as Limit Events: the Holocaust, Genocide, and the Stolen Generations," *Australian Journal of Politics and History* 49, no. 2 (2003): 164-81; Paul B. Bartrop, "The Holocaust, the Aborigines, and the Bureaucracy of Destruction," *Journal of Genocide Research* 2 (2001): 75-87.
38. Bob Reece, "Inventing Aborigines," *Aboriginal History* 11 (1987): 16; Marie Fels, *Good Men and True: The Aboriginal Police of the Port Phillip District, 1837-1853* (Melbourne, 1988); Ann McGrath, 'Born in the Cattle': *Aborigines in the Cattle Country* (Sydney, 1987). For a criticism of the "accommodation" approach, see Bill Thorpe, "Frontiers of Discourse: Assessing Revisionist Australian Colonial Contact Historiography," *Journal of Australian Studies* 46 (September 1995): 34-45.
39. Reece, "Inventing Aborigines," 22. See also Richard Broome, "Aboriginal Victims and Voyagers, Confronting Frontier Myths," *Journal of Australian History* 42 (September 1994): 70-77.
40. See Don Watson, *Caledonia Australis: Scottish Highlanders on the Frontier of Australia* (Sydney, 1984); idem, *Recollections of a Bleeding Heart: A Portrait of Paul Keating PM* (Sydney, 2002).
41. See the chapters in Bain Attwood, ed., *In the Age of Mabo: History, Aborigines and Australia* (Sydney, 1996); Henry Reynolds, *The Law of the Land*, 2nd ed. (Melbourne, 1992).
42. An excellent analysis of this nationalist anxiety is Ghassan Hage, *White Nation: Fantasies of White Supremacy in a Multicultural Society* (Sydney, 1998).
43. Geoffrey Blainey, "Drawing Up a Balance-Sheet of our History," *Quadrant* (July-August, 1993): 10-15; John Howard, "Confront our Past, Yes, But Let's not be Consumed by it," *The Australian* (19 November 1996).
44. For a critique, see Geoffrey Brahm Levey and A. Dirk Moses, "Debate Should Focus on the Apple, not the Core: Cultural Criteria in Determining Suitable Immigrants are Historically Bankrupt," *The Australian*, 31 December 2001, 11.
45. Inga Clendinnen, *True Stories* (Sydney, 1999), 102. For a critical assessment of Clendinnen's recent neocolonialist turn, see Tony Birch, "'History is Never Bloodless': Getting it Wrong after One Hundred Years of Federation," *Australian Historical Studies* 118 (2002): 42-53.
46. Ghassan Hage, *Against Paranoid Nationalism* (Sydney, 2003).
47. Haydie Gooder and Jane M. Jacobs, "'On the Border of the Unsayable': The Apology in Postcolonizing Australia," *Interventions* 2, no. 2 (2000): 229-47.
48. For the Council of Aboriginal Reconciliation and related Reconciliation Australia, see [www.reconciliation.org.au](http://www.reconciliation.org.au) and [www.reconciliationaustralia.org.au](http://www.reconciliationaustralia.org.au)
49. See the dissection of the arguments by Robert Manne, "In Denial: the Stolen Generations and the Right," *Australian Quarterly Essay* 1 (2001): 1-113.
50. This campaign is evaluated in Robert Manne, ed., *Whitewash: On Keith Windschuttles Fabrication of Aboriginal History* (Melbourne, 2003). Historical background is given in Stuart Macintyre and Anna Clark, *The History Wars* (Melbourne, 2003).
51. Cf. Moses, "Coming to Terms with the Past in Comparative Perspective."
52. Istvan Hont, "The Language of Sociability and Commerce; Samuel Pufendorf and the Theoretical Foundations of the 'Four States Theory'," in *The Languages of Political Theory in Early-Modern Europe*, ed. Anthony Pagden (Cambridge, 1987), 253-76.

53. J.E. Calder, "Some Account of the Wars of Extirpation and Habits of the Native Tribes of Tasmania," *Journal of the Anthropological Institute of Great Britain and Ireland* 3 (1874): 19.
54. On the English adaptation of this intellectual tradition, see Andrew Fitzmaurice, *Humanism and America: An Intellectual History of English Colonisation, 1500-1625* (Cambridge, 2003), 140f.
55. Alan Frost, "New South Wales as *Terra Nullius*: The British Denial of Aboriginal Land Rights," *Australian Historical Studies* 19 (1981): 512-23. See also Pat Maloney, "Colonisation, Civilisation and Cultivation: Early Victorians' Theories of Property Rights and Sovereignty," in *Land and Freedom: Law, Property Right and the British Diaspora*, ed. A.R. Buck, John McLaren, and Nancy E. Wright (Aldershot, 2001), 39-56.
56. The Lockean tradition is best represented by the celebrated historian Geoffrey Blainey: *A Land Half Won*, rev. ed. (Melbourne, 1983); idem, *Triumph of the Nomads*, rev. ed. (Melbourne, 1983). For trenchant criticisms, see Henry Reynolds, "Blainey on Aboriginal History," in *Surrender Australia? Essays in the Study and Uses of History*, ed. Andrew Markus and M.C. Ricklefs (Sydney, 1985), 82-9 and Tim Rowe, "The Triumph of the Colonists," in *The Fuss that Never Ended*, ed. Deborah Gare et al (Melbourne, 2003) 39-52.
57. Fitzmaurice, *Humanism and America*, 148-56. Germans used the same argument against partisan attacks in occupied eastern Europe in World War II. See Truman Anderson, "Incident at Baranivka: German Reprisals and the Soviet Partisan Movement in Ukraine, October-December 1941," *Journal of Modern History* 71 (September 1999): 585-623.
58. John Locke, *Two Treatises on Civil Government* (London, 1884), 196f. [2:11]. Emphasis added. See the discussion in James Tully, "Placing the 'Two Treatises'," in *Political Discourse in Early Modern Britain*, ed. Nicholas Phillipson and Quentin Skinner (Cambridge, 1993), 264. See also Barbara Arniel, *John Locke and America* (New York, 1996).
59. Bhikhu Parekh, "Liberalism and Colonialism: A Critique of Locke and Mill," in *The Decolonization of Imagination*, Pieterse and Parekh, eds., 88.
60. Henry Reynolds, "The Written Record," in *Frontier Conflict*, ed. Attwood and Foster, 79-87.
61. Trollope, *Australia*, 113.
62. Grenfell Price, "Experiments in Colonisation," *Cambridge History of the British Empire*, Vol. VII, Part 1 (Cambridge, 1933), 209-242. Emphasis added.
63. Stephen Roberts, *The House that Hitler Built* (Sydney, 1938); idem, *The Squatting Age in Australia, 1835-1847* (Melbourne, 1935), 408-11.
64. Roberts, *The Squatting Age in Australia*, 404. His comments are remarkably similar to Trollope's: *Australia*, 107-9.
65. Roberts, *The Squatting Age in Australia*, 404-7.
66. *Sydney Morning Herald* cited in Alan Lester, "British Settler Discourse and the Circuits of Empire," *History Workshop Journal* 54 (2002): 33.
67. Stephen H. Roberts, *History of Australian Land Settlement* (Melbourne, 1924), xiii: "as far back as memory goes, nothing has ever gripped me more than the romance of Australia's squatters—the conquest of an unknown land by a body of adventurers, who spread over hundreds of miles, and who occupied principalities in the face of the Government, the natives, and all manner of natural difficulties."
68. Ann Curthoys, "Expulsion, Exodus and Exile in White Australian Historical Mythology," *Journal of Australian Studies* no. 61 (1999): 2-18. For the historical pathologies, see David Walker, *Anxious Nation: Australia and the Rise of Asia 1850-1939* (Brisbane, 1999).

69. Roberts, *The Squatting Age in Australia*, 407.
70. Roberts, *The Squatting Age in Australia*, 404. Cf. Blainey, *A Land Half Won*, 91f.
71. Robert B. Edgerton, *Sick Societies: Challenging the Myth of Primitive Harmony* (New York, 1992). For an assessment of the debate, see Rosemary Neill, *White Out: How Politics is Killing Black Australia* (Sydney, 2002).
72. Cited in Ian Hughes, "'A State of Open Warfare': Frontier Conflict in the Cooktown Area," in *Lectures on North Queensland*, 2nd Series (Townsville, 1975), 38, 42. Cf. Geoffrey C. Bolton, *A Thousand Miles Away: A History of North Queensland to 1920* (Canberra, 1970), 38, 95; Jan Critchett, *'A Distant Field of Murder': Western District Frontier, 1834-1848* (Melbourne, 1990), 122-31.
73. Simpson Newland, *Paving the Way: A Romance of the Australian Bush* (Adelaide, 1954), 267f. See Henry Reynolds, *Why Weren't We Told?* (Sydney, 1999), 181f; Tom Griffiths, *Hunters and Collectors* (Cambridge, 1996), 106-115.
74. Gerard Henderson, "Rewriting our History," *The Bulletin* (19 January-5 February 1993): 29.
75. See most recently, David Maybury-Lewis, "Genocide against Indigenous Peoples," and Samuel Totten, Williams S. Parsons and Robert K. Hitchcock, "Confronting Genocide and Ethnocide of Indigenous Peoples," in *Annihilating Difference: The Anthropology of Genocide*, ed. Alexander L. Hinton (Berkeley, 2002), 45, 61f.
76. A. Dirk Moses, "An Antipodean Genocide? The Origins of the Genocidal Moment in the Colonization of Australia," *Journal of Genocide Research* 2, no. 1 (2000): 89-107; Henry Reynolds, *An Indelible Stain? The Question of Genocide in Australia's History* (Sydney, 2001), 49-86. On Tasmania, see Lyndall Ryan, *The Aboriginal Tasmanians*, 2nd ed. (Sydney, 1996).
77. Alan Atkinson, "Historians and Moral Disgust," in *Frontier Conflict*, ed. Attwood and Foster, 117.
78. Kevin Gilbert, *Because a White Man'll Never Do It* (Sydney, 2002, 1973), 4f.
79. S.F. Davey, *Genesis or Genocide? The Aboriginal Assimilation Policy*, Provocative Pamphlet, no. 101, Melbourne (July 1963), 6. I am grateful to Bain Attwood for furnishing me with this source. See his analysis of Davey in *Rights for Aborigines*, 203. On assimilation, see Tim Rowse, *White Flour, White Power; From Rations to Citizenship in Central Australia* (Cambridge, 1998).
80. Cited in Debra Jopson, "Court No Place for Justice: Dodson," *Sydney Morning Herald*, 1 December 2000.
81. Larissa Behrendt, "Genocide: The Distance Between Law and Life," *Aboriginal History* 25 (2001): 132.
82. Ruth Rutcliffe, "Has Henry Reynolds Retreated," *Green Left Weekly*, 20 February 2002 at: [www.greenleft.org.au/back/2002/281/481p21/htm](http://www.greenleft.org.au/back/2002/281/481p21/htm)
83. Hal Wootten to A. Dirk Moses, personal communication (20 March 2002); J.H. Wootten, *Report of the Inquiry into the Death of Malcolm Charles Smith: Australian Royal Commission into Aboriginal Deaths in Custody* (Canberra, 1989), 77.
84. Elliot Johnston, *Royal Commission into Aboriginal Deaths in Custody: National Report*, Vol. 5 (Canberra, 1991), paras. 36.3.19-20 and 36.3.7.
85. Human Rights and Equal Opportunity Commission, *'Bringing them Home': National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* (Canberra, 1997), 272f.

86. *The Encyclopaedia of Aboriginal Australia*, Vol. 2 (Canberra, 1994), 889. In the 1930s, Aboriginal numbers began to grow, and are believed to have reached around 160,196 by the time of the 1976 census. Between 1986 and 1991, the official number of people identifying as Aboriginal and Torres Strait Islanders increased by 37,813, reaching a total of 265,458. By the late 1990s, these numbers had increased to 352,000. Stuart Macintyre, *A Concise History of Australia* (Cambridge, 1999), 261. In 2001, the Australian Bureau of Statistics listed the Aboriginal and Torres Strait Islander population at 410,000. See the detailed treatment by Tim Rowse in this volume.
87. Ryan, *The Aboriginal Tasmanians*.
88. Broome, "Aboriginal Victims and Voyagers," 77.
89. Don Watson wrote of massacres and "black hunts" as "acts of genocide": Watson, *Caledonia Australis*, 169; another historian referred to "local campaigns of genocide": John C. Weaver, "Beyond the Fatal Shore: Pastoral Squatting and the Occupation of Australia, 1826-1852," *American Historical Review* 101 (1996): 1005.
90. R.W.H. Reece, "The Aborigines in Australian Historiography," in *Historical Disciplines and Culture in Australasia*, ed. John A. Moses (Brisbane, 1979), 261.
91. Norman B. Tindale, *Aboriginal Tribes of Australia: Their Terrain, Environmental Controls, Distribution, Limits and Proper Names* (Canberra, 1974).
92. Bob Reece suggested such a local focus in the 1970s but was largely ignored: Reece, "The Aborigines in Australian Historiography," 261; Richard Broome, "The Struggle for Australia: Aboriginal-European Warfare," in *Australia: Two Centuries of War and Peace*, ed. Michael McKernan and Margaret Browne (Canberra, 1988), 116; Moses, "An Antipodean Genocide?," 93; Reynolds, *An Indelible Stain?*, 120; Attwood and Foster, "Introduction," in *Frontier Conflict*, ed. Attwood and Foster, 10.
93. For example, the special issue of *Aboriginal History* 25 (2001) edited by Ann Curthoys and John Docker, and Ann Curthoys, "Cultural History and the Nation," *Cultural History in Australia*, eds. Hsu-Ming Teo and Richard White (Sydney 2003), 22-37. Important, too, is the comparative analysis of the English sociologist, Alison Palmer, *Colonial Genocide* (Adelaide, 2000); Colin Tatz, *With Intent to Destroy* (London, 2003); Reynolds, *An Indelible Stain?*
94. Raimond Gaita, "Not Right," *Quadrant* (January-February 1997): 46-51; idem, "Genocide and Pedantry," *Quadrant* (July-August 1997): 41-5; idem, "Reply to Kenneth Minogue," *Quadrant* (November 1998): 39-43; idem, *A Common Humanity: Thinking About Love and Truth and Justice* (Melbourne, 1999); idem, "Who Speaks, About What, To Whom, On Whose Behalf, With What Right?" in *Best Australian Essays*, ed. Peter Craven (Sydney, 2000), 162-76; idem, "Why the Impatience? Genocide, 'Ideology' and Practical Reconciliation," *Australian Book Review* (July 2001): 25-31.
95. Inga Clendinnen, "First Contact," *The Australian's Review of Books* (May 2001): 6-7, 26.
96. Ron Brunton, "Tie to Bury the Genocide Corpse," *Courier Mail* [Brisbane], 18 August 2001; Paul Sheehan, "Saved, Not Stolen: Laying the Genocide Myth to Rest," *Sydney Morning Herald*, 4 July 2001, 22; Michael Duffy, "Who's Sorry Now?" *Courier Mail*, 7 June 2001.
97. Andrew Markus, *Governing Savages* (Sydney, 1990), 189; Smith, *The Spectre of Truganini*, 32.

98. Editorial, "Time to Stop the Real Genocide," *The Courier Mail*, 7 April 2001, 24.
99. Andrew Markus, "Genocide in Australia," *Aboriginal History* 25 (2001): 50-70. In doing so he follows in the footsteps of some Israelis and Americans who insist that the Holocaust be quarantined off as unique and unprecedented. See Steven T. Katz, *The Holocaust in Historical Context*, Vol. 1 (New York, 1994); idem, "The Holocaust: A Very Particular Racism," in *The Holocaust and History*, ed. Michael Berenbaum and Abraham J. Peck (Bloomington and Indiana, 1998), 56-63; Yehuda Bauer, "Comparison of Genocides," in *Studies in Contemporary Genocide*, ed. Levon Chorbajian and George Shirinian (New York, 1999), 33. An excellent analysis of these arguments is Dan Stone, *Constructing the Holocaust* (London, 2003).
100. Peter Read, "'A Rape of the Soul so Profound': Some Reflections of the Dispersal Policy in New South Wales," *Aboriginal History* 7 (1983): 32; idem, Review of Henry Reynolds, *An Indelible Stain?* (Sydney, 2001) in *Aboriginal History* 25 (2001): 297.
101. On this general issue, see A. Dirk Moses, "Genocide and Holocaust Consciousness in Australia," *History Compass* 1 (2003): AU 28, 1-11 at: www.history-compass.com
102. Lemkin cited in Steven L. Jacobs, "Genesis of the Concept of Genocide according to its Author from the Original Sources," *Human Rights Review* (January-March 2002): 102.
103. Lemkin cited in Helen Fein, *Genocide: A Sociological Inquiry* (London, 1993), 11-12.
104. See the account in Samantha Power, "A Problem from Hell": *America and the Age of Genocide* (New York, 2002), chapters one and two.
105. Jacobs, "Genesis of the Concept of Genocide," 99-100; cf. Lawrence J. LeBlanc, *The United States and the Genocide Convention* (Durham, NC, 1991), 16-19.
106. Raphael Lemkin, "Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations," 1933: <http://www.preventgenocide.org/lemkin/madrid1933-english.htm>
107. Raphael Lemkin, *Axis Rule in Occupied Europe* (Washington, 1944), 91-2.
108. Lemkin, *Axis Rule*, 80; idem, "Genocide as a Crime under International Law," *American Journal of International Law* 41, no. 1 (1947): 147.
109. Lemkin, *Axis Rule*, 79.
110. Lemkin, *Axis Rule*, xi, 79.
111. Raphael Lemkin, "Genocide - A Modern Crime," *Free World* 9, no. 4 (April 1945): 39-43.
112. Lemkin, *Axis Rule*, 82-90.
113. Churchill, *A Little Matter of Genocide*.
114. Raphael Lemkin, "Totally Unofficial Man," in *Pioneers of Genocide Studies*, ed. Samuel Totten and Steven L. Jacobs (New Brunswick and London, 2002), 393.
115. Lemkin, *Axis Rule*, 80. Emphasis added. Cf. idem, "Genocide - A Modern Crime," 39; Cf. A. Dirk Moses, "The Holocaust and Genocide," in *The Historiography of the Holocaust*, ed. Dan Stone (London, 2004), 533-55.
116. Lemkin, *Axis Rule*, 8f. See the valuable discussion of John Docker who read the Lemkin papers in the New York Public Library: "Are Settler Colonies Inherently Genocidal? Re-Reading Lemkin," in A. Dirk Moses, ed., *Genocide and Colonialism* (New York and Oxford, forthcoming).

117. William A. Schabas, *Genocide in International Law: the Crimes of Crimes* (Cambridge, 2000); Johannes Morsink, "Cultural Genocide, the Universal Declaration, and Minority Rights," *Human Rights Quarterly* 21, no. 4 (1999): 1009-1060; Matthew Lippman, "Drafting of the 1948 Convention on the Prevention and Punishment of Genocide," *Boston University International Law Journal* 3 (1985): 1-65.
118. Lemkin, "Totally Unofficial Man," 371-73.
119. Readers familiar with Holocaust historiography will recognize that I have taken these terms from a prominent debate in that literature. See Ian Kershaw, *The Nazi Dictatorship: Problems and Perspectives of Interpretation*, 2nd ed (London, 1989).
120. Kurt Jonassohn and Frank Chalk, "A Typology of Genocide and Some Implications for the Human Rights Agenda," in *Genocide and the Modern Age*, ed. Isidor Walliman and Michael N. Dobkowski, 2nd ed. (New York, 2000), 3-20; idem, "The History and Sociology of Genocidal Killings," in *Genocide: A Critical Bibliographic Review*, ed. Israel Charny (London, 1988); idem, eds., *The History and Sociology of Genocide* (New Haven, 1990).
121. Chalk and Jonassohn, *History and Sociology of Genocide*, 23.
122. Lemkin, *Axis Rule*, xi, 79.
123. Barbara Harff, "Genocide as State Terrorism," in *Government Violence and Repression*, ed. M. Stohl and G.A. Lopez (New York, 1986), 165f.; Irving Horowitz, *Genocide: State Power and Mass Murder* (New Brunswick, 1976); Lyman H. Legters, "The Soviet Gulag: Is it Genocidal?" in *Toward the Understanding and Prevention of Genocide*, ed. Israel W. Charny (Boulder, Colo., 1988), 60-6; Vahahn N. Dadian, "A Typology of Genocide," *International Review of Modern Sociology* 5 (1975): 201-12; Christian P. Scherrer, "Towards a Theory of Modern Genocide," *Journal of Genocide Research* 1 (1999): 15.
124. A stellar example of this type of settler-state tension is Heather Goodall, "Authority Under Challenge: Pikampul Land and Queen Victoria's Law During the British Invasion of Australia," in *Empire and Others: British Encounters with Indigenous Peoples, 1600-1850*, ed. Martin Daunton and Rick Halpern (London, 1999), 260-79.
125. Robert Foster, Rick Hosking and Amanda Nettelbeck, *Fatal Collisions: The South Australian Frontier and the Violence of Memory* (Adelaide, 2001), 8.
126. For a regional example, see Beverley Nance, "The Level of Violence: Europeans and Aborigines in Port Phillip, 1835-1850," *Australian Historical Studies* 19, no. 77 (1981): 532-49. On disease in Australia, see Judith Campbell, *Invisible Invaders: Smallpox and Other Diseases in Aboriginal Australia, 1780-1880* (Melbourne, 2002).
127. John R. Seeley, *The Expansion of England* (London, 1883), 8.
128. See the discussion of the various positions in Barbara Harff and Ted Robert Gurr, "Toward Empirical Theory of Genocides and Politicides," *International Studies Quarterly* 32 (1988): 359-371; Helen Fein, "Scenarios of Genocide and Critical Responses," in *Towards the Understanding and Prevention of Genocide*, ed. Israel Charny, 3-31.
129. Adam Smith, *The Wealth of Nations*, Vol. 2 (London, 1910), 122.
130. Stanner, *After the Dreaming*, 7f. This blindness to the insuperable structural determinants of violence is visible, for example, in Inga Clendinnen, *Dancing with Strangers* (Melbourne, 2003). Although she recognizes that the British "wanted land, and they took it," and that "racial frontiers, pushing irresistibly

- outwards, would be marked in blood, and many [Indigenous] Australians would die," she concludes nonetheless that the basic problem was "the depth of cultural division" between the peoples (286). Is she proposing that the conflict would not have happened had they been able to understand one another? If not, then the ethnographic method Clendinnen proposes is unable to do the conceptual work she demands of it.
131. Frank Chalk, "Redefining Genocide," in *Genocide: Conceptual and Historical Dimensions*, ed. George Andreopolous (Philadelphia, 1994), 58ff.
  132. A sophisticated treatment of the issues is Berel Lang, *The Future of the Holocaust: Between History and Memory* (Ithaca and London, 1999), 25.
  133. Tony Barta, "Relations of Genocide: Land and Lives in the Colonization of Australia," in *Genocide and the Modern Age*, ed. Wallimann and Dobkowski, 237-252. The following paragraphs rely on my "Conceptual Blockages and Definitional Dilemmas."
  134. Barta, "Relations of Genocide," 239.
  135. Alison Palmer, *Colonial Genocide* (Adelaide, 2000), 209.
  136. Raymond Evans and Bill Thorpe, "The Massacre of Aboriginal History," *Overland* 163 (September 2001): 36. See also Bill Thorpe, *Colonial Queensland: Perspective on Frontier Society* (Brisbane, 1996).
  137. Evans and Thorpe, "Massacre of Aboriginal History," 37.
  138. Whether land or labor is the object of the colonial economy is obviously a key variable. For discussions, see Palmer, *Colonial Genocide*; Patrick Wolfe, "Land, Labor, and Difference: Elementary Structures of Race," *American Historical Review* 106, no. 3 (June 2001): 866-904; Michael Freeman, "Genocide, Civilization and Modernity," *British Journal of Sociology* 46, no. 2 (1996): 207-223.
  139. Ann Curthoys and John Docker, "Introduction. Genocide: Definitions, Questions, Settler-Colonies," *Aboriginal History* 25 (2001): 1-15.
  140. Lemkin, *Axis Rule*, xi.
  141. Lemkin, "Totally Unofficial Man," 388, 378 for his positive views of the USA. Various drafts of his work on world genocide are kept by the American Jewish Historical Society, 15 West 16th Street, New York, and by the Jacob Reader Marcus Center of the American Jewish Archives in Cincinnati, Ohio. His paper on Tasmania is located in the New York Public Library, 42nd Street, Manhattan. Special issues of *Patterns of Prejudice* and the *Journal of Genocide Research* in 2005 will make available selections of, and commentary on, Lemkin's unpublished work. It will also be discussed by various authors in Moses, ed., *Genocide and Colonialism*.
  142. See the discussion of Lord Diplock in the *Crown v. Lemon*, H.L.(E) (1979): 636. I owe this reference to Lawrence McNamara, Faculty of Law, Macquarie University, Sydney.
  143. Roger W. Smith, "Human Destructiveness and Politics: The Twentieth Century as an Age of Genocide," in *Genocide and the Modern Age*, ed. Wallimann and Dobkowski, 23.
  144. Reece, *Aborigines and Colonists*, 139.
  145. Herman Merivale, *Lectures on Colonization and Colonies* [1861] (Oxford, 1928), 490. Emphasis added.
  146. Charles Darwin, *The Descent of Man and Selection in Relation to Sex*, Vol. 1 (London, 1871), 238.
  147. Palmer, *Colonial Genocide*, 194. L. Ryan, "Aboriginal Policy in Australia: 1838 - A Watershed?," *Push from the Bush* 8 (December 1980): 14-22.

148. Suzanne Davies, "Aborigines, Murders, and the Criminal Law in early Port Phillip, 1840-1851," *Australian Historical Studies* 22, no. 88 (1987): 313-36; Ben Kiernan, "Australia's Aboriginal Genocide," *Yale Journal of Human Rights* 1, no. 1 (Spring 2001): 49-56. The extent and timing of the acceptance of unsworn Aboriginal testimony varied greatly across the colonies.
149. A.G.L. Shaw, "British Policy Toward the Australian Aborigines, 1830-1850," *Australian Historical Studies* 25, no. 99 (1992): 266.
150. Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology* (London and New York, 1992), 3.
151. Wolfe, "Land, Labor, and Difference," 867.
152. Walter Roth, *Report of the Royal Commission on the Condition of the Natives* (Perth, 1905), 28. I am grateful to Tim Rowse for this reference.
153. Clive Turnbull, *Black War: The Extermination of the Tasmanian Aborigines* (Melbourne, 1948), 23f.
154. Merivale, *Lectures on Colonization and Colonies*, 511f. Cf. Shaw, "British Policy Toward the Australian Aborigines, 1830-1850," 285. Emphasis added.
155. Zygmunt Bauman, *Postmodernity and its Discontents* (London, 1997), 18f. I thank Peter Beilharz, La Trobe University, Melbourne, for this reference. See his *Zygmunt Bauman: Dialectic of Modernity* (London, 2000), 95.
156. I have discussed this problem in "Structure and Agency in the Holocaust: Daniel J. Goldhagen and his Critics," *History and Theory* 37 (1998): 194-219.
157. The following paragraphs rely on Moses, "An Antipodean Genocide?"
158. Mary Anne Jebb, *Blood, Sweat and Welfare: A History of White Bosses and Aboriginal Pastoral Workers* (Perth, 2002), 36-63 shows how the state backed the Kimberley pastoralists against the Indigenous peoples, such that hundreds of native men were arrested and removed from the area, effectively smashing their communities.
159. Merivale, *Lectures on Colonization and Colonies*, 495, 497.
160. Niall Ferguson, *Empire: How Britain Made the Modern World* (London, 2003), 109-11. A good survey of the historiography is Stuart MacIntyre, "Australia and the Empire," in *The Oxford History of the British Empire*, Vol. 5, *Historiography* (Oxford, 1999), 163-81.
161. Daiva Stasiulis and Nira Yuval-Davis, eds., *Unsettling Settler Societies: Articulations of Gender, Race, Ethnicity and Class* (London, 1995); Udo Krautwurst, "What is Settler Colonialism? An Anthropological Meditation on Frantz Fanon's 'Concerning Violence'," *History and Anthropology* 14, no. 1 (2003): 55-72. See the discussion of the literature in Ian Tyrrell, "Beyond the View from Euro-America," in *Rethinking American History in a Global Age*, ed. Thomas Bender (Berkeley, 2002), 168-91.
162. Paul Patton, "Mabo, Freedom and the Politics of Difference," *Australian Journal of Political Science* (1995): 109-119; Dipesh Chakrabarty, "Reconciliation and its Historiography: Some Preliminary Thoughts," *UTS Review* 7, no. 1 (May 2001): 6-16; Elizabeth A. Povinelli, "Reading Ruptures, Rupturing Readings: Mabo and the Cultural Politics of Activism," *Social Analysis* no. 2 (July 1997): 20-28; idem, "The State of Shame: Australian Multiculturalism and the Crisis of Indigenous Citizenship," *Critical Inquiry* 24 (1998): 575-610; Hage, *White Nation*; Gillian Cowlshaw, "The Aboriginal Experience: A Problem of Interpretation," [Review Article], *Ethnic and Racial Studies* 15, no. 2 (1992): 308f.
163. Geoffrey C. Bolton, "Reflections on Comparative Frontier History," in *Frontier Conflict*, ed. Attwood and Foster, 161-68; Deborah Rose, "Aboriginal Life

- and Death in Australian Settler Society," *Aboriginal History* 25 (2001): 148-63; Lynette Russell, ed., *Colonial Frontiers: Indigenous-European Encounters in Settler Societies* (Manchester and New York, 2001).
164. Jeffrey Grey, *A Military History of Australia*, rev. ed. (Cambridge, 1999); John Connor, *The Australian Frontier Wars, 1788-1838* (Sydney, 2002); Broome, "The Struggle for Australia" defines war broadly to include unofficial actions against Aborigines; Ian D. Clark, *Scars in the Landscape: A Register of Massacre Sites in Western Victoria, 1803-1859* (Canberra, 1995).
165. Good examples are Mark McKenna, *Looking for Blackfella's Point: An Australian History of Place* (Sydney, 2002), Patrick Collins, *Goodbye Bussamarai: The Mandandanji Land War, Southern Queensland, 1842-1852* (Brisbane, 2002); Cathie Clement, "Historical Notes Relevant to Impact Stories of the East Kimberley," *East Kimberley Working Paper*, no. 29, The Australian National University (Canberra, 1989); idem, "Monotony, Manhunts and Malice: Eastern Kimberley Law Enforcement, 1896-1908," *Early Days: Journal and Proceedings of the Royal Western Australian Historical Society* 10, pt. 1 (1989); R.H. Pilmer, *Northern Patrol: An Australian Saga*, edited and annotated by Cathie Clement and Peter Bridge (Perth, 1996).