

1

The Context

Location and Dis-Location in Indigenous Space

Introduction

THE PRIMARY DEFINING CONTEXT FOR THOSE WHO LIVE IN AUSTRALIA is invasion.¹ Invasion is about land and country, social location, power, place in the world, and meaning. It is about the place of nations in the world. The violence that accompanies invasion is a reminder of the defeated people's place in a new world. Colonial invasion is essentially about the claims of a nation to occupy land that has been the home of indigenous people. It removes people's rights to control of land, economy, political life and religious story, along with language and worldview. Colonial invasion disrupts worlds, and the story that explains the world.

By the very nature of invasion it is land that is the most contested point of the relationship between two people. Land holds and makes meaning. It is social location, economic base, a site for political and civil life, a place for sacred sites and their attending stories. This was as true for the people of Israel, as it was for the British invaders, and as it was for Indigenous people. To be removed from land, to be deprived of access to place, is disruptive in a multitude of ways.

Invasion and colonial expansion has to do with relations at the frontier and at the centre. David Chidester suggests that frontiers are

1. The word "invasion" is a disturbing one for most Australians. It carries the image of war and violence. It harshly contradicts the idea that this continent was peacefully settled. However, I agree with Henry Reynolds when he says: "if you arrive without being invited in another country and you bring military force with you with the intention of using the force to impose your will, then 'it has to be interpreted by any measure as an invasion'" (*Why Weren't We Told?* 166).

not lines or boundaries or borders, but “a region of intercultural relations between intrusive and indigenous people.”² I would suggest that it is at the frontier, at the point where control is most contested that the relationship is most abusive and yet, paradoxically, also the most “co-operative” and possible because the invaders need the indigenous people. In those places where the frontier has been closed—at the point of invader hegemony and the establishment of control—the invader has no need of indigenous people, and they are segregated and pushed to the very margins of life. Now they can be “protected” and converted and made to disappear culturally.

The European invasion of Australia was a violent clash between two complex and sophisticated cultures that was won by the people with most numbers and the greater military strength, a people who had honed their techniques in the stealing of the lands of people in India and the United States.

The Indigenous peoples of Australia were a people whose culture, language, traditions, and ways of living varied between the various clans and tribal groupings. They were a people with complex social and political structures, trade routes across the country and into parts of Asia, who had recognized ways of allowing people onto their land for specific purposes, who cultivated and farmed the land and sea, who were nomadic in some places and quite settled in others, and who lived in simple humpies, or large tree-bark huts, and in large dwellings made of stone, timber, and turf. They stored grains in stone silos, smoked excess eels and stored them for future needs, and tended acres of gardens. They possessed the oldest languages in the world, the first art and dance and, possibly, the first boats.³ The language that was used to describe the colonial situation—e.g. *terra nullius* (literally “empty and unoccupied”), primitive, and uncivilized—were not factual descriptors but the narra-

2. Chidester, *Savage Systems*, 20.

3. For more details on these claims, readers should turn to the Indigenous authors listed in the bibliography. One particularly good description of the complex culture of the peoples in what is now Victoria and Tasmania is Pascoe, *Convincing Ground*. As he suggests, one of the problems with white knowledge of Indigenous culture is that in the more settled areas, the settlement was destroyed and denied. By the time the anthropologists wrote they spoke only of the people of the north who lived in arid regions where large-scale agriculture was impossible—for anyone (126). We now see this more nomadic culture as the only and real Indigenous culture, and nothing could be further from the truth.

tive used to defend and explain dispossession and violence. This is the language that constructed a world of peaceful settlement, benevolence, and the conversion of “pagans.”

The place of Christians and the church in this history was one of ambiguity. It is the story of people who defended Indigenous people with integrity, of missions that both protected and destroyed, and of church leaders who shared the widely held belief that Indigenous people were a primitive community that would give way before superior civilization. It is the story of people who believed that Indigenous people were of One Blood with Europeans and could be brought to faith in Christ, and of people who attended church on Sunday mornings and killed Indigenous people later in the day in order to claim their country.

Invasion and the Imposition of Order

The agenda of the British government was clear and multifaceted—the expansion of British influence and power, stopping the expansion of French influence in this part of the world, finding an alternative place to send prison inmates after the loss of the American colonies, and developing new economic opportunities. The only issue was, how would they deal with the people who were already present in the land?

Invasion is about the imposition of a new order and new sense of meaning on an invaded people and land. It is about both the removal and (often) enslavement of people, and about imposing a new order that will justify this removal and enslavement, and will convince people to accept this order. In Australia this meant locating a people considered (wrongly) to be uncivilized, primitive, pagan, and without rights on the edges of a community that saw itself as the pinnacle of civilized life—white, British, Christian, enlightened, and scientifically sophisticated. At the very least it meant conversion and civilizing (often considered the same thing). To enforce this new set of social relationships involved denial of land and sovereignty, violence, imprisonment, slavelike work, herding people onto missions, and continually changing social policies (assimilation, integration, self-determination) that involved stolen children and denial of separate identity. It was a situation underpinned by racism and paternalism.

Stolen Land

The voyage of Christopher Columbus (1492) greatly expanded Europe's understanding of the world and began a series of voyages that led to European nations' claiming sovereignty over the "new" lands. The constant danger was that the various European powers would interfere with one another's activities, and war would ensue. So the doctrine of "discovery" was developed, which explained the right of nations who "discovered" previously unknown lands and regulated relationships between European nations. Discovery gave a right of sovereignty (the assumption being that the local people were not civilized enough to exercise sovereignty) but did not provide a justification for claiming ownership of the land.

Yet for various reasons, and despite some official policies that recognized Indigenous ownership of land, there was no official attempt to recognize the existence of Indigenous people as owners of their land, to make treaties, or to purchase the land. The relationship between the two peoples began in theft. The European invaders drove people from their land, destroyed their homes and sources of food, denied them access to sacred sites and their connected stories, and in the process undermined the sociality at the heart of identity. Also destroyed was people's capacity to live from the land. The advent of cattle and sheep changed the landscape and made it unproductive for many vital food and medical plants, destroyed waterholes, and robbed the native animals of access to food.

For the Europeans who invaded Australia, land was largely a commodity, a basis for economic activity and productivity. There was no connection between their religious "temples" and stories and any particular piece of land. Land was to be mined, grazed and farmed, sold as real estate, and owned as a source and sign of wealth. It was landscape, something to be viewed from the outside, dissected and explained, portrayed in painting and film. However we would misunderstand history, colonization, and our present struggles over land if we failed to see that land was more than this. The colonizers moved from a place, a story, a home and politics to another place, and sought in their new place economic foundations, founding and sustaining myths, and a home (that both reminded them of and was different from the old home).

What was profoundly different between the invading people and the Indigenous community was that for Indigenous people meaning was tied inexorably and unchangeably to particular land and particular places. Economy and meaning and sacred place could not be shifted, uprooted, or changed. There was an intimate social, religious, and economic connection between people and their particular place. “To Aboriginal people the land was not just soil or rock or minerals, but the whole environment—the land, the water, the air and all the life they supported, including woman and man; all the elements, the sun, the moon, the stars and the sky—all related and linked by the Dreamtime. Humans were not separated from their environment, but indivisibly united with it. Aboriginals were part of the land and it was part of them. When they lost the land they lost themselves.”⁴

It is important to understand this intimate relationship between people and land, for it is a two-way thing. It is not just people who are harmed by invasion and dispossession, but the land. The mutuality of care, the way in which the people nurture the land, and are nurtured by it, is threatened. Indigenous people believe that land is not inanimate but has feelings and bears messages and stories. When the people are gone, the country is lonely and sad; it misses the people and their care of the land.⁵

To hear land valued in this spiritual way can be misleading for Second peoples, who are used to a distinction, indeed separation, between the sacred and the secular. But in a world where this distinction does not exist, to speak this way is to “include the role land plays in social relations, political relations, and in the cultural construction and transmission of knowledge.”⁶ For Indigenous people land was and is an economic resource, it is where religious knowledge is embedded and inscribed, and where relationships are subscribed. It is the source of political standing and authority and the basis for obligation and responsibilities.

The challenge for present relationships and theology is that the land we exist on is stolen land, it is land taken without right, and justified by naked power and foreign laws. Indigenous people have never

4. Parbury, *Survival*, 15–16.

5. For a very good account of this way of understanding land and people see Morgan et al., *Heartsick for Country*.

6. Goodall, *Invasion to Embassy*, 1.

given up the claim that this is their land. Economically and symbolically there has been a never-ending, if changing, struggle for land. It is a struggle that finds a place among other struggles—wages, political rights, deaths in custody, stolen children, health and legal services—but while its priority might change in different situations and contexts, it never goes away. This raises the question of how the church relates to Indigenous people when they occupy and have built their wealth on this land.

Massacres and Frontier Wars

Invasion is by its very nature always accompanied by violence, for invasion is about theft and keeping people in their “right” place. A people for whom land is so central do not simply walk away and allow invaders to take their place. When the First fleet sailed into Port Jackson to establish a convict colony, the Indigenous people were initially friendly, believing that the new arrivals would stay only a short time. Indeed it was incomprehensible within their social and political system that strangers would come and claim the right to occupy what was clearly their land, not empty and unoccupied or unused, but filled with meaning and activity. When they realized that Phillip and his fleet intended to stay permanently, they became hostile, and conflict broke out. This was the beginning of a terrible contest, and of the violence that has marked the frontier in all colonial invasions around the world.⁷

Resistance was met with harsh retaliation. Every state in Australia has massacre sites that haunt the memory of Aboriginal people, some of the massacres having occurred during the last century.⁸ Sometimes these massacres occurred just for a lark, sometimes because Indigenous people were considered a bit “uppity” and needed to be taught a lesson, and sometimes in retaliation for the killing of a white person or sheep or cattle. Mostly they were killed because the newcomers understood

7. A fuller discussion of the resistance is found in Broome, *Aboriginal Australians*; Reynolds, *The Other Side of the Frontier* (chapter 3); and *Why Weren't We Told?*, chaps. 10–12; and Pascoe, *Convincing Ground*. We should be careful, of course, that “resistance” does not replace “faded away” as a descriptor of all people, and not fail to understand the quite diverse responses in different places.

8. Details of massacres are found in Parbury, *Survival*, 58–59; Broome, *Aboriginal Australians* (chapter 3); Reynolds, *Why Weren't We Told?*, chaps. 9 and 10; Pascoe, *Convincing Ground*; and Habel, *Reconciliation*.

this to be a serious war, a struggle for place by two people claiming the same “home.”

The massacres were consistently denied and the extent of the deaths always underestimated. The historical accounts covered over the extent of the destruction by claiming that there had been only 300,000 Indigenous people in 1788, while the evidence now suggests 750,000 people; reduced to 100,00 by policies of genocide. There is also denial of the frontier wars, of the struggle of Indigenous people against impossible odds to defend their land. The records ignore the fact that more Indigenous Australians were killed in the undeclared frontier wars than Australian soldiers were lost in the Boer War (518), the Korean War (277) and the war in Vietnam (414).

Henry Reynolds makes the case that many of the early colonists recognized that they were involved in a war, and Indigenous people certainly believed that they were. Indigenous people were not simply the helpless victims of massacres but people killed in an ongoing frontier war that often made no distinction between soldiers and other people. This was a war to take ownership of land and to dispossess those who had been here for thousands of years. The idea that there was a war is denied because to acknowledge war is to face the moral issue of dispossession from the land of a defeated people with whom there should be a recognition of sovereignty and a treaty.⁹

Violence and Mistreatment

Indigenous people have experienced an enormous amount of violence in Australia, much of it unrecorded but still part of people's memory. The official part is seen in imprisonment and deaths in custody, but it is found in police brutality, communal violence, and mistreatment by employers in isolated places.

For example, as the pastoral industry expanded across Queensland, the Northern Territory, and Western Australia, and as people tried to stay on their land or sought work, there developed the sort of harsh violence that marks social frontiers. They are ambiguous places filled with mutual need and respect, physical and sexual abuse, humiliation, and control whose purpose was to keep people in their place (maybe because the other social boundaries did not exist).

9. Reynolds, *Why Weren't We Told?* (chapter 12).

In an early feminist interpretation of Australian colonial history, Anne Summers developed the thesis that women in Australia were stereotyped as “damned whores or God’s police.”¹⁰ While the tag of “whore” was first attached to female convicts, so strong was the idea that other women were labeled the same way. Indigenous women were quickly lumped into that category and treated as women to have sex with but never to marry or share life with. Anne Pattel-Gray details the abuse suffered by women—repeated assault, pack rape, enslavement, genital mutilation, and, often, murder—and the way white women closed their eyes to this abuse rather than harm their Victorian sensibilities.¹¹ The people around Victor Harbor in South Australia, for example, still relate the stories of their women being taken by whalers, many dropped from their boats a considerable distance away (even as far as Tasmania) or simply killed. The stories of abuse, murder, and loss of family remain painfully in people’s memories.

Excluded at Law

Even when Indigenous people were recognized as human beings, the issue was: what rights did they have before the law? Implicitly the question was, are they to be treated as equal citizens? The answer was clearly no. Their oath was unacceptable in court, their murderers were usually not tried, but Indigenous people were hunted ruthlessly without regard for the law if they killed a white person. By 1840 Indigenous people in New South Wales could be arrested and held without trial, were unable to testify before a court, and could not buy alcohol or carry a gun.¹² They were not counted as Australian citizens until 1967, and those few who could vote prior to 1901 were disenfranchised at federation. They could not marry unless they proved that they could live almost like a white person.¹³

In a situation anticipating South African apartheid, laws such as the 1851 Vagrancy Act in New South Wales prohibited blacks and whites from cohabitating. Schools were segregated, with Aboriginal children

10. Summers, *Damned Whores and God’s Police*.

11. Pattel-Gray, *The Great White Flood*, 167–68.

12. Broome, *Aboriginal Australians*, 95.

13. For a more personalized account of this sort of experience, see Dingo, *The Story of Our Mob*, 134.

being given untrained teachers, usually the wife of the manager of the reserve on which they lived. Children could be banned from school right through to the 1960s in New South Wales if a white parent complained about their presence. Men could fight for their country during war, but unless they had what was called a dog tag, proof that they were almost white, they couldn't drink in a pub. "Wherever they were . . . most Aborigines came under special acts, were denied civil rights, and felt the cold chill of white prejudice. By the early twentieth century, racism not only permeated the community, but was enshrined in its acts which treated Aboriginal people as different and inferior."¹⁴

Imprisonment and Deaths in Custody

Peggy Brock argues, as I have done, that the essential relationship in Australia has been one of containing and controlling Indigenous people, although the method of control changed at different times. Her thesis is that police and missions were used to implement government policies, and that intervention was most active when Indigenous people were most present in society.¹⁵ She argues that in South Australia, for example, imprisonment rates were high in the 1850s and 60s during the time of imposition of colonial rule and dispossession. They were then low toward the end of the nineteenth century, when dispossession was achieved, and Indigenous people were largely neglected. The rates remained low in the first thirty years of the twentieth century, largely because of a policy of segregation that was overseen by another set of institutions (including the church). From the 1950s and the development of assimilation policies, we have a period marked by high rates of arrest and incarceration, which "suggests that the criminal justice system is once again being used as a tool to subject indigenous people to government control."¹⁶ It is worth remembering that during the time of segregation, which was often justified as a period of "protection," there were a range of activities that were illegal for Aboriginal people but legal for other citizens—moving freely, drinking alcohol, controlling earnings, controlling children. Breach of these discriminatory laws

14. Broome, *Aboriginal Australians*, 104.

15. Brock, "Protecting Colonial Interests."

16. *Ibid.*, 127–28.

was one of the most frequent causes of entry into the criminal justice system.

Indigenous people are still overrepresented in the prison system; for example, in 2003 20 percent of prisoners in Australian jails identified as Indigenous. In 1998, Indigenous men were imprisoned at a rate of 3,218.8 per 100,000 whilst non-Indigenous men were imprisoned at a rate of 216.98 per 100,000. In the same year Indigenous women were eighteen times more likely to be imprisoned than non-Indigenous women. Indigenous people are not in prison in greater numbers because they are more criminal by nature. Prison rates depend on how crime is defined for any group, on the extent of policing for any group, on the way the court sentences people for the same crimes, on what people need to do to survive, and on where anger gets directed when there is no meaning in life. The statistics clearly show that Aboriginal people have always been overrepresented in the criminal justice system, not because they are more likely to commit a crime, but because they are more likely to be arrested and to serve time for a minor crime than a white person is. Indigenous people also frequently receive harsher penalties than other Australians for the same crime.

The Royal Commission into Aboriginal Deaths in Custody (1988) made it clear that the number of Aboriginal deaths in custody is a significant tragedy. Indigenous deaths occur at a far greater rate than deaths of other Australians, and the level of care for incarcerated people is quite inadequate. The high level of imprisonment of Indigenous people has not improved since the Royal Commission. Indeed, matters have gotten worse.¹⁷ Those who are most oppressed and marginalized, those who are meant to be silent and invisible are criminalized by their colored presence on the streets. They are criminals because they are Indigenous people. The nature of racism in this country makes Indigenous people the dangerous “other,” to be feared and criminalized and, paradoxically, ignored.

17. For further details see, for example, Cunneen, *Review of Indigenous Deaths in Custody*; the Australian Institute of Criminology, “Crime Facts Info No. 88”; and “Indigenous Justice in Australia”; Krieg. “Aboriginal incarceration”; Grant, “Imprisonment of Indigenous Women in Australia 1988–1998” <<http://reconciliation.org.au/nsw/education-kit/about/>>, which offers a good account of the issues and points to some excellent references; see also Healey, *Indigenous Australians and the Law*; Broome, *Aboriginal Australians*, 220–24.