

Publish and be damned!

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1. I was involved in the research and production of the Expert History Report with consultant historian Dr John Host for the Single Noongar Claim (SNC) litigation. This report is currently being edited and will be published by The University of Western Australia Press later this year as '*It's still in my heart this is my country: The New Noongar History.*' I will talk about why SWALSC is publishing this report as a book, the main themes as they relate to the history of Noongar people and Aboriginal people in general in Australia, and, the problems/pitfalls of publishing which may/ will befall someone doing this.
2. Since the original SNC decision finding Native Title in the Perth Area interest in all things Noongar has gone up enormously. Noongar *country* is recognized now (despite the appeal result) and we have a great opportunity to promote Noongar people and educate the general public whose knowledge of Noongar people general sits somewhere between dismal and appalling. Texts published by reputable publishing houses have considerable weight attached to them and we have the opportunity to get our SWALSC Noongar History included into every Library in Australia and possible schools and influence public opinion. There are years of accumulated archival research within as the material produced by SWALSC as NTRB is the most up to date and relevant material historical going in WA. In my experience material often gets produced, it is read by two or three people, then it is relegated to the library forever. I'm pretty sure this situation is not unique.
3. In the report which SWALSC produced we sought to challenge existing conventions of history (and anthropology) relating to Aboriginal/ Noongar people. We aimed to show how Noongar law and custom survived despite the impact of settlement and despite what the historical record says over the Perth area and the

south west. We examined the historiography on Aboriginal history in Australia which spans perhaps only the last thirty years or so since Charles Rowley's seminal 1972 publication, *The Destruction of Aboriginal Society*.¹ The new historiography has been extremely valuable in unveiling what WH Stanner famously called the 'Great Australian Silence'² regarding Aboriginal affairs. Stanner described this silence as 'a cult of forgetfulness' or 'disremembering' that has been 'practiced on a national scale.' He chastised historians for 'having given the Aborigines no place in our past except that of 'a melancholy footnote.'³ In this material, however good it is, there is an overwhelming emphasis on the negative aspects of European colonization and a great focus on the effect of the State apparatus, government policies and the outcomes of these in the various attempts to control Aboriginal people.⁴

4. Unfortunately for these histories as they relate to Native Title is that we have a corpus of texts which deal with issues relating to describing what the colonizers did to Aboriginal people rather than books relating to the survival of Noongar people with traditional laws and customs. Noongar people are often represented as passive victims succumbing to wave after wave of government oppression rather than as a cultural group reacting to external forces and accommodating changes. This material is not helpful at all in proving native title and most of it is used against claimants. For people (including judges) reading these histories it is not difficult to get the impression that Noongar history is little more than a damning history of institutionalization, separation, attempts at assimilation and state intrusion.

1 C. Rowley. *Destruction of Aboriginal Society* Ringwood (Vic): Penguin Books Australia, 1972.

2 Professor William H Stanner in the 1968 ABC Boyer Lecture 'After the Dreaming.' Stanner, WH *White Man Got No Dreaming*, Canberra, 1979, pp.37-38

³ Stanner, *White Man Got No Dreaming*, Canberra, 1979, pp.37-38

4 See also Peter Biskup's 1973 *Not Slaves, Not Citizens; The Aboriginal Problem in Western Australia 1898-1954*, Leslie Marchant's 1981 *Aboriginal Administration in Western Australia, 1886-1905*, and, Anna Haebich's 1988 publication *For Their Own Good: Aborigines and Government in the South West of Western Australia 1900-1940*.

5. In our book we attempted to show a history of survival of the 20 000 estimated Noongar people today and to overturn a couple of conventions of Western Australian history that have dominated Noongar people in the South West. The first was that Noongar people were unable to adjust to the European presence; that they were devastated by introduced disease, and because of how Aboriginal people were racially classed (in opposition to the concept of a white 'ideal') that they were all but 'extinct' by the turn of the 20th century.⁵ This is exactly the position the State took in the SNC arguing that Europeans settlers killed all the Aboriginal people of Perth intentionally through shooting or unintentionally through introduced disease and the so called 'Noongar people' from Perth weren't Noongar at all. Ironically State government Ministers and representatives continues to acknowledge Noongar people as the traditional owners of Perth in public forums.

6. The second convention, which had its roots in 19th-century Social Darwinism, was that *real* Aborigines inhabited 'remote' Australia, were a physically distinctive type and could be recognized on sight by their physical attributes. This is another position the State took in the SNC. The result of this convention was that Noongar people in the south-west, as in other parts of *settled* Australia, were seen to undergo cultural loss and breakdown while the offspring of those who co-habited with Europeans were a caste apart and not truly Aboriginal at all. Both conventions have since been challenged but they persist. In the southwestern context, these conventions can be found in the writings of Daisy Bates but their influence can be traced to the more recent anthropologists like the late Ronald and Catherine Berndt.⁶ In Bates' fieldwork her object was to record the culture and traditions of a *primitive* people she believed were approaching extinction. According she was able to announce the death of the 'last' Noongar people from the Perth area in 1907. In the Berndt's case they did no fieldwork in the

5 See, for example, G.C. Bolton, 'Black and White After 1879', in C.T. Stannage, ed., *A New History of Western Australia*, Nedlands, 1981, p.131.

6 See, for example, R.M. Berndt, "Aborigines of the South-West", in R.M. and C.H. Berndt, eds, *Aborigines of the West: Their Past and Their Present*, Nedlands, 1979, p.87.

SouthWest at all but because of their conception of what a ‘real aboriginal person’ was they were able to announce that Noongar people had lost their culture without actually speaking to any Noongar people. Studies in Western Australia tended to reflect the contemporary legal and social status of Noongar people and tended to focus on issues relating to problems of politics, conflict and assimilation in the urban setting.⁷ Indeed many prominent anthropologists such as A P Elkin, the architect of assimilation policy, influenced and advised various Australian governments on what steps could be taken to assimilate Noongar people into white society. Accordingly those investigating Aboriginal people were looking at why they were not ‘assimilating’ and what could be done about it rather than aspects of a traditional culture.

7. Prior to 1972 there are at least 67 different categorizations what it is to be an aboriginal person in legislation based on notions of race, blood and caste.⁸ Noongar people/Aboriginal people have been racially classed and legislation enacted based on this almost since Europeans arrived. Most Noongar people and indeed witnesses in the SNC have been classed by various baseless categories of *caste* and *blood*, usually those of *half-caste* and *full-blood* though with permutations such as quadroon (one quarter Aboriginal) octoroon (an eighth) and so on. What we argued is that these racist categories bear no relationship to contemporary Noongar society - as if a person’s skin colour or the way they were described by the government affected their ability to pass on traditional knowledge - and yet these categorisations defined government policies and affected entire generations. Just one example: The *1936 Native Administration Act* created the classification of quadroon (one quarter Aboriginal blood) however

⁷ See for example P. Roy. *Part-Aborigines of Moora: A study of socio-economic integration and assimilation in an Australian rural community*, Master of Arts thesis. UWA. 1967. Howard, M.C. 1981. *Aboriginal Politics in Southwestern Australia*. UWA Press, Nedlands. Makin, C.F. 1970. ‘A socio-economic anthropological survey of people of Aboriginal descent in the Metropolitan region of Perth. Ph.D. thesis, University of Western Australia., McMath, R.D. 1962. ‘Problems of employment and assimilation among part-Aborigines of the Brookton area of Western Australia. B.A. Hons thesis, Dept. Anthropology, University of Western Australia.

⁸ See McQuorquodale, J. *Aborigines and the Law: A Digest*, Canberra, 1987.

they were not subject to legislation if they were under 21 and ‘did not associate and live in the manner of natives.’ This said a non-native could be classified a native by a magistrate. Make sense? In the *1954 Native Welfare Act* an Aboriginal person could be exempted from the Act if they served in the Armed forces.

8. From the 1970s less absolute descriptions of Aboriginality such as *full*, *part* and *mixed* descent became more common though no less incorrect. There are generations of Noongar people who are excluded from the historical record as if they don’t exist through these often bizarre categorizations. The term Quadroon was repealed in 1960 though the definition of Aboriginal (‘A Full blood to more than a quarter aboriginal blood’) remained until 1972. Today Aboriginality is descendent based.
9. What we attempted to do in the book was obliterate the racial typing that infected almost every written piece of work on Noongar people certainly since the establishment of the *quantum’s of blood* categories that appeared in 1874 legislation where definitions of Aboriginality appear and declared who was Aboriginal and who was not. These classifications were developed in the *1905 Aborigines Act* and reached their zenith in *The 1936 Native Administration Act* where AO Neville was successful in persuading the Western Australian Government to include eugenic measures to ‘breed out the colour’ which of course was an abject failure.⁹ This Act further increased the government’s power to remove children and it sought to re-classify Aboriginal people. The solution to the ‘part aboriginal problem’ as it was described in this Act was through ‘tutored assimilation’ or ‘assimilation through organized breeding’ both concepts being influenced by the anthropology of the time.¹⁰ Dr Norman Tindale produced and endorsed a ‘scale of absorbability’ of the various kinds of ‘cross-breeds’ ranging

⁹ D. Mellor, and A. Haebich. *Many Voices: Reflections on experiences of Indigenous child separation*. National Library of Australia. 2002

¹⁰ The official institution for implementing these policies was Sister Kate’s Children’s Home. Originally known as the Quarter Caste Children’s Home for nearly white children in 1933 it reflected its eugenic function in ‘rescuing nearly white’ children and preparing them for absorption into the white community. Children who were considered too ‘dark’ to be absorbed were left at Moore River Settlement.

from the 'high' level 'F1' (first generation half caste) who were 1/8th, 1/4 and 3/8th caste to the 'low' for the 3/4 and 7/8ths caste. ¹¹

10. By removing these false categories attributed to Noongar people we could show the real size and dynamism of the Noongar community. There are literally thousands of records describing Noongar people in negative terms. We have attempted to write a new narrative of Noongar History to update that historical record and show how Noongar people and their families survived, evaded government surveillance and indeed thrived. What we argue is that yes colonization did affect Noongar people but that these Noongar People accommodated to the new arrivals and kept their traditions going as today there are at least 20 000 Noongar people who can show descent to the early times. We created a narrative that shows Noongar people where here 20000 years ago, were here when the Europeans came and are still here today.
11. The work is a product of SWALSC belongs to the Noongar community. We had an extremely good contract at the start of the production of the book as the report itself was explicitly the property of SWALSC. We had to remove all confidential archival records this was not a huge problem as there were a small part of the text. We had to get approval from our Noongar executive as representatives of the community to proceed. In terms of the content we needed to be careful about what you include and don't include as obviously it can be used against you. We have mediation on five underlying claims proceeding the publication will not affect these at all as our book is an inclusive narrative of the entire SNC and the whole south west. All of the information we include in the book including from the trial is on public record indeed it is on the Federal court website.

¹¹ N. Tindale. 'Survey of the half caste problem in South Australia.' P85. Proceedings of the Royal Geographical society of Australasia. South Australian Branch. 1940-41.

12. Finally SWALSC want to use the material we have already and start Noongar knowledge and community building and has plans to act as repository for Noongar culture and give it back to the community when PBC are set up. We are currently running concurrently native title activities and non-native title activities such as an Oral History project using SWALSC to promote Noongar culture. Ultimately we want to establish and maintain a Noongar Cultural Centre to:

- a. Bring together in one place a coherent body of knowledge of all aspects of Noongar language, history and culture (past, present and future).
- b. Make Noongar language, history and culture accessible to Noongar people, students, researchers and the wider community.
- c. Facilitate the development of regionally-based Noongar resources/ collections.
- d. Achieve repatriation of Noongar materials to the Cultural Centre.
- e. Create partnerships and links to other collections.