

Essay:

Trapped in the Aboriginal reality show

Author:

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Jean Baudrillard generated international controversy when he described in his essay 'War Porn' the way images from Abu Graib prison in Iraq and other 'consensual and televisual' violence were used in the aftermath to September 11, 2001. Strong words – perversity, vileness – sparked in his brief, acute analysis: 'The worst is that it all becomes a parody of violence, a parody of the war itself, pornography becoming the ultimate form of the abjection of war which is unable to be simply war, to be simply about killing, and instead turns itself into a grotesque infantile reality-show, in a desperate simulacrum of power. These scenes are the illustration of a power, without aim, without purpose, without a plausible enemy, and in total impunity. It is only capable of inflicting gratuitous humiliation.'

This made me think about the everyday suffering of Aboriginal children and women, the men who assault and abuse them, and the use of this suffering as a kind of visual and intellectual pornography in Australian media and public debates. The very public debate about child abuse is like Baudrillard's 'war porn'. It has parodied the horrible suffering of Aboriginal people. The crisis in Aboriginal society is now a public spectacle, played out in a vast 'reality show' through the media, parliaments, public service and the Aboriginal world. This obscene and pornographic spectacle shifts attention away from everyday lived crisis that many Aboriginal people endure – or do not, dying as they do at excessive rates.

This spectacle is not a new phenomenon in Australian public life, but the debate about 'Indigenous affairs' has reached a new crescendo, fuelled by the accelerated and uncensored exposé of the extent of Aboriginal child abuse. Shocking accounts of brutal sexual assault and murder – including those by Children's Court Magistrate Sue Gordon in Western Australia, Alice Springs Crown Prosecutor Nanette Rogers, and journalists Nicolas Rothwell, Tony Koch and Suzanne Smith – have become almost routine. The 2007 Northern Territory inquiry and report, *Little Children are Sacred*, by Rex Wild QC and Pat Anderson, was the tipping point.

More than a century of policy experimentation with Aboriginal people climaxed when the Howard Commonwealth government sent a special police taskforce, troops and emergency medical staff into the Northern Territory. On August 7, 2007 it passed

more than five hundred pages of legislation – special measures that subvert the authority of the Northern Territory in the most extraordinary federal takeover in Australia's history.

In some critical respects, the outcome of this renewed debate is what many have been recommending for decades: protective interventions to prevent the abuse, rape and assault of Aboriginal women and children, and decisive action against the perpetrators. The federal legislation and emergency taskforce were a slap in the face for the Northern Territory Government, then led by Chief Minister Clare Martin. It was a bracing 'vote of no confidence' in her government's capacity to deal with the crisis, and the responsibilities for which Territory governments had received generous Commonwealth funding for decades. Indeed, the redistribution of these funds to the privileged white electorates that kept Martin's government in power became evident when data from a special project by the Council of Australian Governments at Wadeye revealed how Northern Territory governments have failed to use Commonwealth funds for their intended purposes: 'far less is spent on [Aboriginal Territorians] per head than is spent on the average Territorian.' The education deficit was acute – for every dollar spent on each Territory school child, 47 cents were spent on each Aboriginal child at Wadeye. 'To those most in need the least is provided,' the study concluded.

Although the Northern Territory Government receives special funding to improve the lot of its disadvantaged population, it was the Commonwealth rather than the Territory Government which became the villain in the public debate about the Emergency Intervention. There is a cynical view afoot that the intervention was a political ploy – to grab land, support mining companies and kick black heads, dressed up as concern for children. Conspiracy theories abounded; most were ridiculous.

Those who did not see the intervention coming were deluding themselves. It was the inevitable outcome of the many failures of policy and the flawed federal–state division of responsibilities for Aboriginal Australians. It was a product of the failure of Northern Territory governments for a quarter of a century to adequately invest the funds they received to eliminate the disadvantages of their citizens in education, health and basic services. It was made worse by general incompetence in Darwin: the public service, non-government sector (including some Aboriginal organisations) and the dead hand of Aboriginal and Torres Strait Islander Commission (ATSIC) all presided over increasingly horrible conditions in Aboriginal communities.

The combined effect of the righteous media campaign for action and the Emergency Intervention has been a metaphorical dagger, sunk deep into the heart of the powerful, wrong-headed Aboriginal male ideology that has prevailed in Indigenous affairs policies and practices for decades. My hope is that, as the evidence mounts of the need for a radical new approach, the shibboleths of the old Left – who need perpetual victims for their analysis to work – will also be dismantled.

In 2006 and 2007, Howard government ministers and advisers made several decisions. They would no longer stomach a policy regime whose many failings resulted in endemic poverty, alienation and disadvantage, and sickening levels of abuse of Aboriginal women and children. They rolled out a policy revolution. With the dis-establishment of ATSIC and the removal of elected commissioners whose public reputations were in tatters following allegations of rape, corruption and incompetence, a new order swept in.

The appointment of professionals and business people to an advisory National Indigenous Council led by Dr Sue Gordon put new emphasis on 'practical outcomes'. At the top of the list was intervention in the epidemic of child abuse. Gordon was appointed to head the intervention taskforce, an initiative that has fundamentally altered the balance of federal–state relations in Indigenous affairs. This, whatever one may think of its shortcomings, may be the greatest opportunity we have had to overcome the systemic levels of disadvantage among Aboriginal Australians.

The events of these two years have been remarkable. Extraordinary characters have been drawn into a circle of hell, complete with political chicanery, a Dante-esque dance of old enemies once divided by gender and politics, and disingenuous public performances by a voyeuristic audience. The former prime minister, John Howard, and his Indigenous affairs minister, Mal Brough, played a key role; however, much more interesting were the actions of several of the divas involved in delivering long-awaited attention to Aboriginal children in remote communities: Nanette Rogers, Sue Gordon, Clare Martin and Marion Scrymgour. Watching events unfold has been alternately exhilarating and distressing.

Rogers had been the Crown Prosecutor in Alice Springs for over twelve years, committed to social justice issues since her days as a young solicitor in Redfern. In 2006, her patience with the criminal justice system in the Northern Territory, and its capacity to deal with child victims of violence and rape and abuse, snapped. Her comments on May 15, 2006 were reported globally – BBC News led with the story: 'Abuse rife at Aboriginal camps ... horrific levels of sexual abuse in remote Aboriginal communities, including the rape of a baby.'

Rogers was no stranger to these issues. In 1993 she described the failure of the system to deal with these victims in an account not substantially different from that which shocked the world when, thirteen years later, she denounced the system that allowed rapists and murderers to escape punishment and continue their violent activities. As a young solicitor with the Central Australian Aboriginal Legal Service, she and veteran campaigner Jane Lloyd presented a paper at an Institute of Criminology conference on rape. They set out the plain facts, which were already widely known and acknowledged: 'About one-third of the Aboriginal female population in the Northern Territory is being gravely assaulted (including sexually assaulted) in a year.'

Reading that paper again after so many years, it struck me that most of the factors contributing to the astonishing rates of rape and violence against women and children – ‘rivers of grog’, easy access to pornography, a lackadaisical approach in the court system with a callous disregard for victims – informed the current intervention.

The notes supporting Rogers’ nomination as a Northern Territory finalist for 2006 Australian of the Year observed, ‘The accumulated effect of defending men who abuse women and children weighed her down and Nanette became a prosecutor and coordinator of a Victims’ Support Unit. In doing research for her doctoral thesis, she identified the emphasis placed on customary law in placing the offender in the best light, at the expense of the voice of the victim. She found that violence against women and children had become entrenched in many communities and that many crimes go unreported, the victims too afraid to speak out. Nanette took the difficult decision to release her findings to the public so as to raise awareness of this crucial social and legal issue.’

The aspects of the crisis Rogers brought to public attention are undeniable and yet they are denied repeatedly by some Aboriginal men and women who ignore these issues in favour of pursuing theoretical definitions of rights. Like their supporters in groups such as Women for Wik, few have ever lived in the desperate remote area communities they seek to represent and seem to be oblivious to their actual conditions.

The role played by the media must be acknowledged. A few journalists raised public consciousness about the state of affairs in distant Aboriginal communities. The media blitz following Rogers’ heartfelt speech in 2006 was a blow to self-satisfied participants on both sides of the debate: the romantic defenders of Aboriginal ‘self-determination’ and the uncivil deniers of the right of Aboriginal people to coexist with settler society. Nicholas Rothwell summed up the reality that many had ignored, dismissed or denied: ‘Domestic violence and sexual assaults against women and children define the boundaries of human experience in many of the larger and more troubled bush communities – and these dreadful plagues are constantly reported, yet no action ensues.’

In June 2006, ABC journalist Suzanne Smith began reporting the evidence that the Aboriginal community at Mutitjulu, near Uluru, was being terrorised by a ‘predatory paedophile’ who traded petrol for sex with young girls and ‘other men in the community, many with convictions for violent crime, made it difficult for people to expose the sexual violence, the drug trade and the petrol trafficking’. Rogers’ colleague Jane Lloyd was working with the Ngaanyatjarra Pitjantjatjara Yangkujatjara Women’s Council and added, ‘They also target children who do not have strong family, who come from dysfunctional families. So these men are not going to be challenged by the fathers, by the uncles of these children’. Mantatjara Wilson, an

Aboriginal elder, explained, 'We live in a war zone, a big war. We are living in Australia but it is just like the war in East Timor. We suffer rapes, kidnaps, murders, arson, the torching of houses'.

When, on May 15, 2006, Tony Jones introduced Rogers to a national audience, he twice warned the viewers of *Lateline* that her accounts of violence were extremely graphic and might (should) offend viewers. 'Why do you think there's been such a long silence about this particular issue in central Australia?' he asked. Rogers replied with a triple volley: 'I think there are a number of reasons for that. The first is that violence is entrenched in a lot of aspects of Aboriginal society here. Secondly, Aboriginal people choose not to take responsibility for their own actions. Thirdly, Aboriginal society is very punitive, so that if a report is made or a statement is made implicating an offender then that potential witness is subject to harassment, intimidation and sometimes physical assault if the offender gets into trouble because of that report or police statement.'

At this point, Federal Minister for Aboriginal Affairs Mal Brough was still hesitant. He had told the ABC, 'Australians may not be ready to hear about children being raped.' Jones asked Rogers whether she disagreed. 'Yes, I do. I feel very strongly that everybody needs to know about it.'

She detailed the traumas and horrors and focused on several cases: a four-year-old girl drowned while being raped by a teenager who had been sniffing petrol; two very young children – including a seven-month-old baby – sexually assaulted by adult men, while their mothers were elsewhere drinking alcohol. Both children needed surgery for their injuries. Another baby was stabbed twice by a man attempting to kill her mother. In yet another case, a teenager witnessed his grandfather being stabbed repeatedly in the throat. 'These kids see violence as an everyday part of their life and many of them become violent themselves.' Rogers said young men were given status in the community and not held accountable for their actions, and that she had ceased being a public defender because she was 'sick of acting for violent Aboriginal men'.

Miranda Devine, writing in the *Sydney Morning Herald*, asked, 'Why did Tony Jones feel the need to ask Rogers, "Are you worried that the information itself may be abused by tabloids and racists even, shock jocks – the sort of people who will take information like this and exploit it?" Are there really people so morally confused that they see opposition to the rape of babies as a "shock jock" phenomenon?'

The question Devine should have asked was, 'Are there really Aboriginal people so morally confused that they see the rape of babies as normal and not warranting any intervention?'

I am sad to report that the answer to that question is 'yes'. There are such people, and it is them – rather than snivelling racists or the 'shock jocks' who exploit Aboriginal misery for fame – who undermine attempts to prevent the rape of Aboriginal children and other crimes against our most vulnerable citizens.

After these reports a chorus of denialists jumped in to defend 'Aboriginal culture', accusing ABC journalists of racism. Brian Johnstone – for many years press secretary to the late Bob Collins, a former Northern Territory senator – was a prominent and vociferous critic. As a journalist with the *National Indigenous Times*, Johnstone characterised Smith's report as '99 per cent fact free'. He trivialised Rogers' evidence and Smith's courageous reporting in a rancorous attack on their integrity, evidence and motives and provided various justifications for the violence they identified and sought to prevent. He suggested the ABC had vilified Aboriginal culture with racist and unsubstantiated reports by 'journalists who cannot be bothered looking beyond the sensation and mistake a "conspiracy of silence" for a journalistic conspiracy of disinterest'.

Only a man who has never tried to console a rape victim, or her mother, or tried to take a victim to a police station, could utter such nonsense. Johnstone's tirade followed public reports of the paedophile preying on children at Mutitjulu which six people from the community described. Later, Smith interviewed Mantatjara Wilson and Rex Wild:

Wilson: I know that man sells petrol to children. This huge problem wasn't started by the children. The problem was started by the people who sell petrol to get children started on petrol sniffing and then induce them to have sex for it.

Wild: We refer to that person, I don't think by name, but we refer to the Mutitjulu episode, and we do give particular reference to the source of the original idea that there should be an inquiry.

Smith: He says a senior man was preying on under-age girls.

Wild: All we're saying is an offender is a perpetrator and a child abuser.

Smith: And he says Muntajara Wilson who he describes as an elder from Mutitjulu had the right to speak and was brave to come forward, along with other whistleblowers.

Wild: They should be proud they're making statements and out there doing something. Of course they should be proud of that.

Several months after the first reports of child abuse on *Lateline*, Clare Martin finally joined the fray. On August 8, 2006, she appointed a Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, co-chaired by Patricia Anderson and Rex Wild, to find better ways to protect Aboriginal children from sexual abuse. What occurred between May and August that year exposed Martin's rapidly deteriorating relationship with her Aboriginal constituents.

Martin finally settled in Darwin in 1990 after two short periods there as an ABC journalist. She was from a Sydney Catholic family, educated at convents on Sydney's

North Shore and at the University of Sydney. In 1990 she unsuccessfully contested the seat of Casuarina in Darwin's northern suburbs, where the largely white population had determined the outcome of Territory elections for decades. The Country-Liberal Party was always ready to use 'race' issues to ensure it held on to power. In 1995, Martin won the blue-ribbon Country-Liberal seat of Fannie Bay, named for the city's wealthiest suburb, home to the Casino, Mindil Beach markets, Darwin Turf Club, the Sailing Club and East Point Recreation Reserve.

Martin became Labor leader in 1998 and led the party when it won government for the first time in Territory history on August 18, 2001, with a one-seat majority – of Aboriginal candidate Matthew Bonson. Other Aboriginal candidates also elected for the first time – Marion Scrymgour and Elliot McAdam – joined John Ah Kit in the imposing Territory parliament. But it soon became clear the Martin government would be much like the one it displaced. Labor 'true believers' who manned polling booths and kept the flame burning heard whispers that 'this one is for the northern suburbs', with no concessions on Aboriginal issues. So it proved to be.

More than six years later, on Sunday, November 25, 2007, counting in marginal electorates added more seats to the crushing tally won by the Australian Labor Party in the federal election the day before. Warren Snowden won an increased majority in his seat of Lingiari, a vast electorate covering much of the Territory. The next day, he and Martin were reported demanding that the Emergency Intervention stop, the Aboriginal work-for-the-dole scheme be reinstated, restrictions on alcohol sales lifted, and the permit restrictions which had isolated Aboriginal communities from the economy and Australian society, be reinstated. Their call fell on deaf ears, although Snowden was soon appointed Minister for Defence Science and Personnel.

Later on the day these comments appeared, Martin and her deputy Sid Stirling resigned. Paul Henderson and Marion Scrymgour became the new leaders of the hybrid political formation the Northern Territory has become since it was granted self-government in 1978. Scrymgour became the most senior Aboriginal parliamentarian in Australia – Deputy Chief Minister of a territory in which more than a quarter of the population is Aboriginal.

This was followed quickly by a spill of the chairman's position at the powerful Northern Land Council. Wali Wunungmurra, a cousin of the East Arnhem leader and former Australian of the Year Galarrwuy Yunupingu, became its chairman. The next day, Norman Fry resigned after eleven years as CEO of the Council. These rapid responses were local earthquakes and signalled the end of a vain, symbolic response to a crisis that demanded practical action.

It is a public secret up north that Martin opposed Yunupingu and all he represents. Her avoidance of the unavoidable responsibility as chief minister to understand Aboriginal society and its customary laws, including those relating to polygyny (marriage arrangements in which an older man has a number of wives) contributed to the loss of confidence in her leadership.

In Arnhem Land, her opposition to Aboriginal customary law is seen as a false conflation of child abuse with customary laws relating to marriage, although the relationship between traditional patterns of conflict may not be irrelevant. The conservative side of politics was no more comfortable with customary law, but after the scale of the crisis became undeniable, it responded with action and money. The conservatives at least understood the relationship between passivity, alcohol, substance abuse, and declining social norms. Their exasperated solution to send in the army, stop alcohol abuse, quarantine welfare to ensure the money was spent on food and close down the work-for-the-dole scheme, the Community Development Employment Program, did not convince Marion Scrymgeour, but she agreed something had to be done.

At the time of writing in early December 2007, it remains to be seen whether newly elected Prime Minister Kevin Rudd will honour his apparently heartfelt commitment to the intervention. In the week before the general election, he retreated from his earlier commitment to hold a referendum on Aboriginal rights. The danger now is that old-left thinking will again prevail. I believe that those opposed to the intervention are morally and politically wrong. I fear they represent the small, comfortable white clique in the Territory whose cars bear stickers declaring 'I fish and I drink and I vote' and the 'big men' in Aboriginal communities who harvest votes for their Labor mates.

I've seen the bodies of battered children as well. I've looked in the eyes of some of these children and seen the plea for help. We can't fail children any more.

– Charlie King, Family and Community Services advisory consultant,
Lateline, June 18, 2007

Because of the confused media noise from the Aboriginal commentariat, I am often asked whether the reported crisis is 'real'. It is, and it has been a crisis for decades in some areas, as many reports have shown and the current inquiry investigating the spate of child suicides at Fitzroy Crossing reminds us.

What I have learnt from trying to answer this question comes not from the question itself, but from those who ask: Turkish taxi drivers, Aussie lawyers, overseas visitors, and other decent family people with a genuine concern for children in an age of global sexual abuse of the most vulnerable. They may have no direct experience of Indigenous affairs and its nasty politics, but they read the newspapers. Those convinced that nefarious intentions drove the intervention often know something about Indigenous affairs – but not much, just enough to adopt a fashionable cynicism and purported horror about the abuse of human rights. The taxi drivers, lawyers and tourists ask first about the fate of the Aboriginal children living in remote communities and then why this situation was allowed to develop.

Until Alison Anderson, another Labor member of the Territory government, elected in 2005, spoke out in late October 2007 in an interview with *The Australian*, those living in the seventy-three communities affected by the legislation had been silenced by the Aboriginal commentators and their supporters who do not live in poverty and the accompanying crisis of violence, drug and alcohol abuse. Those with long experience in these communities write to me with pleas like this from a woman in Central Australia:

One interesting fact is that in the whole of the remote area out from Alice Springs there is only one Family and Community Services worker. There are positions but they are not filled. Also since there has been no doctor or policeman at Mutitjulu since last year, and Wingellina has had no nurse for ages etc. We would like to contribute to a discussion on the current developments. From my experience I would suggest that anyone who holds a job on a remote community should submit to a criminal record check and also have a check to see what they got up to on their last Aboriginal community. There is a history of people going from community to community criss-crossing the borders and mucking up (fraud, obstructionist behaviour, and general incompetence). They can do this because the turnover out bush and in town means there is no community 'memory'. Youth suicide is on the increase, childhood and youth obesity is pretty bad. The diet is terrible.

The Australian public cannot understand the scathing criticism of the intervention by the red, black and yellow warriors. This is understandable. The first instinct of an ordinary person is concern about children whose awful situation is now constantly reported. Many members of the Australian public are horrified about their situation. They cannot understand why there is so little concern about the almost unbelievable levels of neglect and abuse of children. The better informed doctors and lawyers who have worked in these communities say, 'The intervention is not perfect but it is more important to engage in order to improve outcomes than to waste the first nationally agreed, bipartisan opportunity to ensure adequate levels of medical care and policy attention to other critical areas.' Another correspondent wrote to me:

During the Howard era there was at least an understandable argument made by some along the lines that to highlight the outrages occurring in Territory Aboriginal communities and elsewhere would only encourage political opportunism by the Howard Government ... but what justification can there possibly be to override the imperative of acting immediately, whilst ever the vulnerable remain exposed to present danger? ... what reason could any sensible person now have [after the Howard government lost the election] to attack the core elements of the intervention intended to safeguard the weak and the vulnerable? There is clearly an attempt being made to engage with Territory Indigenous communities [to] increase community involvement in and control of the measures ... Yet from all accounts the (mainly white) naysayers appear more emboldened than ever to continue the fight against the intervention in its entirety. Who are these people, and what do they think they are fighting for?

Another correspondent wrote to me about her conversion from the viewpoint that 'you can never criticise or attack Aborigines or their culture because it would incite racism against Indigenous people ... I now see how this view simply perpetuates the idea that Indigenous people are helpless victims, with no personal responsibility for their actions. I also feel absolutely disgusted with those who hold the view that ideology must come before the plight of children'.

The level of ignorance of the extent of the crisis contributes to the public cynicism questioned by my correspondent. One of the sustained fantasies about traditional Aboriginal society is that, until colonisation, life for Aboriginal people was peaceful and idyllic. The idea that violence – sanctioned and illicit – was the norm has been cast by the defenders of the myth as a racist misrepresentation of a noble society.

I believe those who have attacked those of us who want to deal with the direct and indirect factors contributing to the abuse of children, suffer from a form of 'Stockholm syndrome'. Psychologists use this term to refer to an emotional bond that develops between hostages and captors. It is a familiar problem for victims of abuse: wives who still love their husbands despite domestic violence; victims of incest still attached to their molesters; prison inmates who turn on each other rather than their guards.

The critics of the intervention have become dependent – from a distance – on perpetuating the lot of those who are suffering the most. A related emotional response is the 'small kindness perception' – the search for hope by people trapped in extremely abusive situations. The reconciliation rhetoric offers hope of 'kindness' to Aboriginal people trapped in nightmarish conditions from which escape seems unlikely.

There is something else to understand about their rage. Many of the strongest critics of the intervention have a sense of identity and dignity based on being in an oppressed 'racial' collective. As Aboriginal people, they feel they share the suffering of other Aboriginal people. I cannot quibble with this basic ontological characteristic of being a member of an oppressed group. The problem arises when there is a presumption of shared experience and willingness to overlook the moral, ethical or even rational view of particular behaviours. Solidarity for its own sake takes pre-eminence, and does not permit a clear-cut rejection of wrong doing.

This line of analysis informs the outrage at the Australian Defence Force (ADF) being used in the intervention. It must have been easy for John Howard's spin-doctors to predict that the pro-symbolic Aboriginal activists and their supporters would interpret the use of the army as another 'invasion'. Few understand the long history of Indigenous involvement with the ADF. It remains one of their largest employers, and has a long history of working closely with remote communities, in areas of operation larger than many countries.

It was not coincidental that Sue Gordon, the leader of the intervention in many respects, served in the army for many years. Knowledge of ADF experience in Aboriginal communities makes a more benign interpretation possible: rather than being a typical Howard 'wedge', it could be that the army was recruited because of its administrative, organisational and logistical competence and experience.

I am not arguing that the use of the army is a tactic I support or would adopt. It is not sustainable in the long term. But this short-term tactic may be the 'wake-up call' that leads to sustainable strategies, few of which have been seen in remote Australia and even fewer ever adequately funded. My observations are merely analytical, to help understand the political responses to the intervention and the hysterical opposition to it.

They want to the absolutely wake up to themselves and have a good long think where they're going and what they're doing with Aboriginal people. Nothing is going to be left once all the elders go. What Aboriginal culture is going to be left alive?

– Dawn Bradbrook, resident of Mutitjulu, wife of a senior traditional owner,
Lateline, June 21, 2006

With the exception of experienced native title and land rights practitioners, and a small number of anthropologists, Aboriginal customary law is not well understood. There is little real understanding of how the violent abuse by Aboriginal men of women and children has reached such stomach-churning ferocity and regularity. The use of customary law as a defence by legal counsel representing Aboriginal rapists and murders is the truly offensive insult to Aboriginal culture and people.

Aboriginal society is sliding into a terminal state of under-development. While the crisis intensifies, the rhetoric is generally symbolic. There has been heated discussion about 'practical' versus 'symbolic' reconciliation – some argue for one but not the other, some claim we can have both. Others, including my friend and colleague Noel Pearson, director of the Cape York Institute for Leadership and Policy, understand that this is a false dichotomy, and that there is a 'radical centre' in which both practical and symbolic aspects of the problem of Aboriginal under-development and its history are implicated.

There are those who cling to ideas of reconciliation and still hope that recognition of Aboriginal culture will save them, their own kin are dying too young as a result of illness, alcohol and drug-fuelled violence and suicide. On the other side, neo-conservatives steal Pearson's ideas and impose punitive measures on entire populations trapped in alcohol and substance dependency, deprive them of economic capability and subject them to a miserable, violence-ridden existence on the margins.

While Patrick Dodson and others cling to ideas of reconciliation and plead for recognition of the culture they hold dear the rhetoric remains much as it was twenty years ago, with a focus on 'unfinished business', 'cultural identity' and 'honest talk' and this soft, essentially meaningless tirade of euphemisms and metaphors is pitted against the hard politics of community life.

I was present at the first meeting at the Gumatj settlement at Dhaniya in Arnhem Land when the former Indigenous Affairs Minister Mal Brough and his adviser, Russell Patterson came to discuss Galarrwuy Yunupingu's objections to the legislation and the intervention. On the verandah of his house on the shores of the bright blue sea of Port Bradshaw, Yunupingu and Brough talked as Pearson and I listened. Yunupingu spoke about his never-ending responsibilities to care for family members who failed to make the shift from dependency to self-sufficiency. He did not discuss money in his dealings with the men from Canberra. At the next meeting, secretary of the Department of Prime Minister and Cabinet, Dr Peter Shergold visited Gunyangara as well. No strings were attached and there was no coercion, as the red, black and yellow warriors alleged, assuming that this man could be manipulated. Yunupingu himself had worked out the clever solution to the land problem which he set out in a Memorandum of Understanding. But as he has said in later interviews, he wanted services for his community on an equal basis to the rest of Australia and was thinking about his obligation to people who knock on his door night after night asking for food for their hungry children.

At the time of Dodson's criticism of this agreement in a speech at the Brunswick Town Hall on October 12, he did not know that Yunupingu had also proposed a referendum to recognise Indigenous rights in the Constitution. Pearson, who had convinced Howard of the need for a referendum on Aboriginal rights, sought to warn Dodson, before his speech that there was much more at stake than had been reported.

A fortnight after Dodson's address, Yunupingu confronted opponents of the intervention in a lecture at the University of Melbourne Law School on October 26. He appealed for *realpolitik*. He does not regard reconciliation as a process, but considers it will come about as a result of argument, negotiation and agreement, when both parties meet as equals, neither asking special favours of the other: 'Reconciliation does not come about because we agree to sit down and talk. Reconciliation only comes about when we have talked and reached an understanding. It is at the end of that process, when we shake hands and go off into our day-to-day lives. That is when we are reconciled; reconciliation does not come just from turning up to a meeting place.'

Yunupingu explained his decision to sign the memorandum to resolve his opposition to the five year lease imposed over the Gunyangara township by the legislation. His solution was a simple, elegant one that overcame the potential human rights abuse of the compulsory acquisition provisions in the new statute: the Gumatj Association, a corporation of traditional owners, would issue the lease. Three months earlier, Dodson had argued in *The Age*:

A more effective proposal [than the intervention] would be to transfer community settlements to the Northern Territory Government under a ninety-nine-year lease arrangement. This transfer would enable the delivery of a wide range of citizenship services to Indigenous communities while providing a development approach for housing investment. It would also seek to offer a long-term vision for a partnership

with Indigenous communities where they would be given an increased role and responsibility over their lives and futures. In such a possibility, and in such a vision, sexual abuse, violence and dysfunction within Indigenous communities where they would be given an increased role and responsibility over their lives and futures ...

After two weeks of intense negotiations, Yunupingu achieved all of this *and* kept control of his land. At the same time, he was successful in setting the Howard government on an unexpected course towards constitutional reform and economic empowerment, which is unlikely to be repeated.

It might appear that the divide between Aboriginal people in the northern and remote areas and those in the big southern cities has never been starker. This is true to an extent. *Ad hominem* attacks were rare when we tackled amendments to the *Aboriginal Land Rights Act* in 1987, the *Native Title Act* in 1993, and again in 1997. When they did erupt, they came from Aboriginal people with well-known personal agendas. We dismissed them as self-serving, their rhetoric aimed to please an ineffectual crowd of followers.

This time, the harsh, personal attacks have some intellectual content, and however shallow, cannot be ignored. The disinformation, lies, slander and defamation revolve around several assumptions: that John Howard 'wedged' us and we were naïve victims of electoral politics; that financial or other inducements were offered to benefit us personally; that we were coerced into adopting the positions that we have publicly expressed. None of these is true. They are easy to disprove. But the court of public opinion is a kangaroo court, not one amenable to facts.

The day after Yunupingu's Melbourne address, Joel Gibson reported breathlessly in the *Sydney Morning Herald* that the prime minister had driven a wedge between prominent Aboriginal activists over the intervention. There are, as some journalists are delighted to report, two camps on these matters, one concerned with symbolic outcomes and the other with the practical. In reality, the two camps are divided by historical issues: those who have lived through the many tragedies and their aftermath in remote Australia committed to preventing the destruction of their societies in a haze of alcohol and drug abuse; and those with cosmopolitan urban experience who have allowed libertarian leanings, and deep political disappointment, to confuse their logic. Whether the motives of the latter group were a general suspicion of John Howard, hatred of his government's record or motivated by a genuine concern for the fate of the children is difficult to determine from the public record.

There are critics with a genuine concern about the extent and implementation of the intervention and the achievement of its stated outcomes, including prominent residents of remote communities, but their response has been to support the

intervention and advocate measures to ensure its sustainability. To understand the false dichotomy in which 'reconciliation' politics were pitted against the steps needed for Aboriginal economic development, it is helpful to examine a few ideas that may turn the tide of misery.

A sustained critique, analysis and body of evidence have been launched at this alcohol and drug-fuelled disaster over the past decade by Noel Pearson. The virility of the opposition to the solutions developed by the Cape York Institute is testament to the self-deluding ideology to which Pearson's opponents cling. They ignore the unassailable facts in hundreds of impoverished Aboriginal communities across remote Australia: radically shortened lives; the highest national rates of unemployment; widespread violence, endemic alcohol and substance abuse; the lowest national levels of education; and lifelong morbidity for hapless citizens suffering from heart disease, nutrition and lifestyle-related diseases such as diabetes.

In *Griffith REVIEW 16: Unintended Consequences* Pearson set out the main contributors to the 'descent into hell' of Aboriginal society four decades after the 1967 referendum recognised our citizenship: removal of Aboriginal stock workers to the fringes of towns; increasing dependence of welfare and an unfettered right to alcohol. He showed how policy changes to remove economic discrimination, improve access to social welfare and ensure that Indigenous Australians had equal rights had damaging consequences.

I came to the same conclusions almost two decades ago. My own research and investigation alerted me to three additional contributing factors driving some communities into the inner circles of hell: illicit drugs, other addictive substances and pornography – all imported into Aboriginal communities since the 1970s. Along with the 'rivers of grog' and the debilitating alienation that results from permanent unemployment, they have helped cripple many in the Aboriginal population, and 'very high rates' of cannabis use contribute to the epidemic of suicide.

Illicit drugs had a similar impact on black American communities following the civil rights movement. There, the pandemic of illegal drugs brought drug wars, communities bristling with arms, high death tolls and the disintegration of community life, although zero tolerance policies stalled these trends in some places.

The impact of illicit drugs and substances on Aboriginal communities over the last thirty years cannot be under-estimated. Along with the flood of pornography, their contribution to the present disaster demands more than the present intervention can deliver. Gambling also demands urgent attention. In most remote communities, men and women huddle in circles, throwing their money into the 'pot', to be lost or won on a single card. Almost all of a community's income can disappear overnight.

It is these practices – violent anti-social behaviour, excessive and harmful use of drugs, alcohol and other substances, use of pornography (especially in the presence of minors), gambling, and the resultant neglect of family life and children – that Pearson

is targeting with his campaign for personal responsibility. Former Health Minister Tony Abbott was right when he said, 'There is much evidence that the extremes of Indigenous ill-health result from social conditions that no amount of improvement in health services can ever really deal with ... Nanette Rogers' account of the routine sexual abuse of children and horrific violence against women was, as she said, "beyond most people's comprehension". Aboriginal people's incapacity to address these issues was, she speculated, the result of constantly being overtaken by new tragedy: "It might be the suicide, it might be the fatal car accident, it might be the death of the twenty-year-old from heart disease, because of diet, failure to thrive, lots of grog, petrol or whatever. All of those tragedies ... overtake a community," she said. "So yes, it was a dreadful thing that the six-year-old was anally penetrated and killed but then something new takes its place within a very short time."

To expect that people who reel from one traumatic event to another can enjoy the much-lauded Aboriginal 'rights to self-determination' while their own community and the larger society repeatedly fail them is an indulgent fantasy. It is also an indulgent fantasy to require 'consultation' before intervening to prevent crimes being committed.

It is not just the historical and continuing exclusion from the economy, or lack of intergenerational capital, or vicious governments, but the practices of Aboriginal people themselves that transform mere poverty into a living hell. Australia is enjoying an economic boom driven by the rocketing demand for raw materials, but Aboriginal people – who live in areas from which many of these minerals are extracted – are spiralling into permanent poverty and marginalisation.

While writing this essay, I appealed to the newly-elected Rudd government to continue the Emergency Intervention and maintain the strategies most likely to stop the horrors that plague Aboriginal communities. In response I was pilloried by Aboriginal people who responded with letters to the editor of the *Sydney Morning Herald* with sentimental, blame-shifting nonsense. These were later posted on the webpage of Women for Wik, a group of high profile women supporting 'Aboriginal rights' who seem, despite extraordinary levels of education and achievement in public life, to be misinformed and misled about the nature of the crisis.

Then on December 10, 2007 another heart-breaking tragedy was reported by Tony Koch: the rape of a ten-year-old Wik girl in Aurukun by three adult and six juvenile Wik males which was treated by the Queensland criminal justice system as barely a cause for concern. District Court judge Sarah Bradley expressed utter contempt for the girl and basic norms of humanity when she imposed twelve-month probation orders, and failed to record a conviction against any of the nine who had pleaded guilty. After all that has been said about the far too many cases like this that end up before the courts, and many, many more that are never reported, it was almost more than I

could bear to read Bradley's sickening statements that this child 'probably agreed' to have sex with them.

As is so typical in such cases, several of the nine are from the ruling families of Aurukun where anti-social behaviour, which varies from day to day only in its intensity and detrimental outcomes, is called 'riots'. If the dysfunctional behaviour was merely riots, rather than murder, rape, incest, assault, suicide, alcohol and drug abuse, gambling, then there would be no justification for the recommendations over the years to end welfare payments without conditions and government funding without positive outcomes. It would be a fair bet that each of the adults who pleaded guilty to raping this child was receiving a government payment, leading to the conclusion that dysfunctional Aboriginal behaviour is financially supported by government funding.

It is justifiable to conclude that an apartheid regime has been created wherever Aboriginal communities are quarantined by remoteness, welfare dependence, a racist criminal justice system and government officials who entrench this expensive social pathology with dysfunctional policies. The most disgusting of these is judicial leniency in sentencing Aboriginal murderers and rapists. This rewards serial rapists and murderers. Instead of jail sentences that would apply to anyone else, they are freed often after a laughable lecture, or sent to a prison where living conditions are often better than in the communities they come from. They are released into the same communities where their crimes were committed and recidivism takes on a special meaning: the younger sisters or cousins of their original victims are the next in line to be raped.

I have two questions for the Women for Wik (and the cowardly men who hide behind their skirts): what suggestions do you have that could prevent incidents like this that took place in the heart of Wik country? And, will you now cease using the name of the once proud Wik people, who now endure a vicious, violent and miserable existence thanks to the failed sentimental policies you advocate?

It seems almost axiomatic to most Australians that Aborigines should be marginalised: poor, sick, and forever on the verge of extinction. At the heart of this idea is a belief in the inevitability of our incapability – the acceptance of our 'descent into hell'. This is part of the cultural and political wrong-headedness that dominates thinking about the role of Aboriginal property rights and economic behaviour in the transition from settler colonialism to modernity.

In this mindset, the potential of an economically empowered, free-thinking, free-speaking Aborigine has been set to one side because it is more interesting to play with the warm, cuddly cultural Aborigine – the one who is so demoralised that the only available role is as a passive player. The dominance of the 'reconciliation and justice' rhetoric in the Australian discourse on Aboriginal issues is a part of this.

The first Australians are simply seeking relief from poverty and economic exclusion. Yet, in the last three decades, rational thinking and sound theory (such as development economics) to address the needs of Indigenous societies have been side-tracked into the intellectual dead-end of the 'culture wars'. This has had very little to do with Aboriginal people, but everything to do with white settlers positioning themselves around the central problem of their country: can a settler nation be honourable? Can history be recruited to the cause of Australian nationalism without reaching agreement with its first peoples?

Paradoxically, even while Aboriginal misery dominates the national media frenzy – the perpetual Aboriginal reality show – the first peoples exist as virtual beings without power or efficacy in the national zeitgeist. Political characters played by 'Aboriginal leaders' pull the levers that draw settler Australians to them in a co-dependent relationship. The rhetoric of reconciliation is a powerful drawcard – like the bearded woman at the old sideshow. It is a seductive, pornographic idea, designed for punters accustomed to viewing Aborigines as freaks. It almost allows 'the native' some agency and a future. I say 'almost' because, in the end, 'the native' is not allowed out of the show, forever condemned to perform to attract crowds. The debate that has surrounded the Emergency Intervention has been instructive. It has exposed this co-dependency. It has also revealed a more disturbing, less well-understood fault-line in the Aboriginal world. The co-dependents in the relationship seek to speak for the abused, the suffering, the ill, the dying and those desperately in need who have been left alone to descend into a living hell while those far removed conduct a discourse on rights and culture.

The bodies that have piled up over the last thirty years have become irrelevant, except where they serve the purposes of the 'culture war'. But in the meantime, the bodies of real people continue to pile up, human lives broken on the wheel of suffering. How much longer will this abuse of Aboriginal people be tolerated? ■