

# *Minority Rights Harm Aboriginal Women and Children*

**Stephanie Jarrett**



The Bennelong Society  
Occasional Paper: September 2006

[www.bennelong.com.au](http://www.bennelong.com.au)

# *Minority Rights Harm Aboriginal Women and Children*

Stephanie Jarrett

... I know it's not okay that Aboriginal men die in prison; but it is apparently only a source of discomfort to society that women are beaten to death and girl children are raped. (Sauve, 1996)<sup>1</sup>

My reason for standing up for indigenous self-determination in the face of Jarrett's indictment, which she presumes to give in the name of victims of Aboriginal domestic violence, is not only because I am aware of the efforts and successes of indigenous women themselves, supported by many indigenous men, in addressing the problem of intimate violence in their communities. This is certainly happening, but even if it wasn't, I would defend the right of indigenous self-determination in itself. (Lattas, 2002)<sup>2</sup>

## **INTRODUCTION**

In May this year, Alice Springs Crown Prosecutor Nanette Rogers 'came out' about the appalling domestic violence and child abuse within Aboriginal communities, and the inadequacy of present judicial responses to that violence. She also spoke of victims' reluctance to seek help given the punitive nature of many Aboriginal communities.<sup>3</sup> For several weeks, the media responded with 'saturation' reportage about shocking Aboriginal violence, child sexual abuse, and community breakdown, together with analyses of government failure.

Despite undeniable Aboriginal suffering, believers in orthodox 'minority rights' or 'group rights' claims<sup>4</sup>—self-determination, land rights, respect for culture and customary law—seem more alarmed that renewed government commitment to address Aboriginal domestic violence may deflect from, even erode, these 'group identity' goals. Along with this, those who argue that Aboriginal domestic violence is exacerbated by 'group rights' policy-making risk being sidelined as reactionary, as despisers of Aboriginal people, or racist.<sup>5</sup>

## **GROUP RIGHTS AND DISTRACTING EMERGENCIES**

Noel Pearson is among those defending 'group rights'. In his article, 'Don't listen to those who despise us', he identifies conservative thinkers who are critical of the 'group rights' as

having an 'irrational contempt for Aboriginal Australians' wish to remain distinct'.<sup>6</sup> Pearson and Gary Johns—one of the 'conservative', influential thinkers who Pearson claims to hold this 'irrational contempt'—share much when it comes to Aboriginal Australians and Aboriginal policy. Both have a deep concern for Aboriginal well-being. Both want outcomes-based rather than 'black arm-band' or 'white guilt'-based strategies for dealing with the high Aboriginal levels of poor education, unemployment, ill health, substance misuse, domestic violence and child abuse. They agree that the primacy of welfare as income for Aboriginal people harms Aboriginal individuals' and communities' capacities to improve and have direction over their own lives. Their policy ideal is to enable Aboriginal Australians to become full contributors to, and participants within, our modern and prosperous economy.

Pearson's and Johns' disagreement resides at a deeper, core level of Aboriginal policy-making. For Johns, the primary unit of Aboriginal policy-making should be the individual. Aboriginal individual well-being and their right to physical safety are primary policy goals. This renders Johns' approach as outcomes-oriented because its measure—Aboriginal individual well-being—is not contingent upon other goals.

Pearson comes close to but backs away from an outcomes-based approach. For Pearson, the primary policy goal is indigenous people's 'right' as a minority to 'the survival of their identity and political rights'. He is 'concerned about the damage conservatives are doing to reconciliation'<sup>7</sup> with its focus on demands for recognition of Aboriginal status as original inhabitants.<sup>8</sup> Pearson depicts Aboriginal people's chronic, catastrophic levels of social and physical malaise as a 'humanitarian emergency' and 'extreme crises' that 'makes non-indigenous Australians and political leaders lose sight of the natural ultimate goal, which is that Aboriginal Australians become a prosperous constitutionally recognised First-World national minority'.<sup>9</sup>

No doubt, Pearson would argue that this 'ultimate goal' and prevailing reconciliation principles of Aboriginal minority rights would provide, albeit perhaps with more funding and refinement, the optimal setting for Aboriginal well-being and safety. Indeed, Pearson has impressed many with his courageous speaking out against Aboriginal domestic violence, alcohol abuse and welfare dependency, his innovative proposals, and his willingness to work with business and both sides of government to address these problems.

Hence it is troubling to detect an element of dismissal in his recent depiction of Aboriginal domestic violence and child abuse as distractions from more important policy goals. 'Emergency' and 'crises' suggest a sudden catastrophe akin to flood or earthquake, responsive to large-scale but short-term extraordinary government responses, irrespective of the general policy backdrop. And as with responses to flood or earthquake, directing attention however necessary to the emergency of Aboriginal domestic violence and child abuse is creating a policy dilemma by distracting from longer term 'ultimate' policy priorities.

Pearson's analysis here is partially accurate, but in a way that Pearson laments and that Johns and this author hope for. Rogers' revelations<sup>10</sup>

may indeed mean that at last we 'lose sight of'—question or reject—the 'minority rights' ideologies that have dominated Aboriginal policy for the last three decades. Certainly, Pearson's term 'emergency' is applicable to some extent. No woman or child should endure the commonplace violence in these communities for one night. They are Australian citizens and it is the nation's duty to secure and uphold their fundamental right to physical safety. However, any optimism regarding significant long-term reform within the 'group rights' parameters that Pearson supports is misplaced.

### **GROUP RIGHTS: EXACERBATING THE VIOLENCE, BLUNTING THE RESPONSES**

In much of black Australia there is a crisis, the crisis of violence to self and to kin. For the victims, it is daily reality. It is now a phenomenon identified by several Aboriginal and non-Aboriginal researchers. Importantly, it is being spoken about, slowly, hesitantly, cautiously for fear of offence. (Tatz, 1990)<sup>11</sup>

Both Labor and Coalition Governments have supported Aboriginal 'group rights'<sup>12</sup> and it still dominates Reconciliation and related movements.<sup>13</sup> About two decades ago, reports began to emerge of a crisis of violence within Aboriginal Australia.<sup>14</sup> A few commentators argued that 'group rights' policies such as land rights and self-management, might be exacerbating this violence.<sup>15</sup> In more recent years, the Federal Government has been attempting to break out of this model with a greater emphasis on 'practical reconciliation', and on individual rather than group rights. This is difficult, because thirty years of 'group rights' policymaking has entrenched power structures that exacerbate violence, blunt interventions and resist change. There are several ways that 'group rights' policymaking does this.

### **GROUP RIGHTS: STATUS-BASED ENTITLEMENTS, FAMILY-BASED CONFLICTS**

'Minority rights' or 'group rights' policy-making attempts to honour traditional Aboriginal culture and relationships to land. Within

the context of extensive dislocation since white settlement, such a policy framework is generating contest, conflict and associated violence.

David Ross, in his analysis of Central Australian 'customary authority and decision making', writes that '(t)raditional ownership is not static or rigid. There are no traditional owner lists set in concrete. Traditional ownership is fluid and evolving, and firmly rooted in Aboriginal law'.<sup>16</sup> D. Martin, in an article on the Reeves Report on Land Rights states: "Aboriginal tradition is typically characterised by rights based on entitlement, not on principles of equity."<sup>17</sup> 'Who has most entitlement?' is a question that gives rise to conflict when there are uncertain and competing traditional affiliations, when there is a mix of traditional and historical affiliations, and when no traditional affiliations exist but instead there is a range of competing historical connections to locations and associated goods.

Through grants, loans, laws and policies, 'group rights' encourages the proliferation of small family- or kin-ship settlements on land that frequently has competing traditional, historical or economic meanings to members, and frequently at considerable distance from major economic and service centres.<sup>18</sup> Even before establishment, inter-family rivalry can occur over which family has greater traditional or historical entitlement to the funding or land available.<sup>19</sup> Once established, inter- and intra-family conflict can intensify.

Both traditional and newly formed Aboriginal settlements are like mini-nations, but with the basic unit of power and policy being the family, rather than the state. In Western, developed nations such as Australia, most people affect decision-making in the public realm only indirectly. Crucial disputes occur within the relatively controlled settings of business boardrooms and parliament. Resultant decisions can often be highly inequitable, but the decision process and conflict is removed from the immediate level of inter- and intra-family relations.

Within Aboriginal communities, 'self-determination' can mean that inter- and intra-family disputes can abound over control of and access to funding, land, housing, enterprises, jobs, services, customary practices and law. Rather than the self-actualising processes of expertise, employment, personal fund accumulation, and purchase, the allocation principles here are contested and unstable power, status and entitlement positions, where the threat of, or even actual, violence can be effective tools. 'Bad feeling' and family violence is indeed reported to be part of this intense, competitive, and unstable environment.

An Aboriginal man of 'Viewtown' shared his following lament:

It's no good for me and my own direct line at the moment ... and there's bad feeling between me and my two brothers over this, plenty of bad feeling over there!... My two brothers' children, they think they can make all the rules because they live on the homeland permanently. But the elders, and there are ten of us, should be equal bosses; with equal rights to pass on the land's houses to our own direct bloodlines. None of this sideways takeover which is happening now. Because we don't live there permanently, my own children and grandchildren haven't got right of access anymore to the houses there!<sup>20</sup>

Even when absent from lands for decades and residing in another State, claimants can be stirred to threatening intensity about contested traditional land claims. The following conversation depicts a man in pain for his people, and a sorry confusion of tradition, alienation and apathy in land-claim entitlement. A non-traditional man is full of 'entitlement' anger but no traditional status to claim the land, while his traditional relatives with the right 'entitlement' status are so broken with alcohol that they are unable to bother:

I want to leave here soon and go back to Northern Territory which I left thirty years ago.

*(His friend retorts—'you've been saying that you're going up there for a year now, so I don't believe that you're really going there'.)*

I am, and I am going up there with a shotgun to shoot all those other blackfellas up there.

*('why is that?')*

Because the wrong mob up there are claiming land that is not theirs. Its not their traditional land!

It's my land, it's my family's land, and I'm going up there to get it back from them.

*(but they won't listen to you because you're not initiated, and traditional people will only listen to men who are grown up, who are initiated the tribal way. So if you want your land, you must do men's business, get initiated.)*

No way am I getting initiated. I'm too old for that now. Never. My relatives are all initiated—they should be fighting for their land.

*(why aren't they?')*

Because they are all alcoholics, all out of their heads with alcohol, so they don't care. And all the young people are dying from petrol sniffing. Nothing will ever change up there. It will never get any better. Its all hopeless.<sup>21</sup>

Injection of resources into contestable family and community settings can intensify rather than reduce conflict. At a Port Augusta Reconciliation meeting, a shy elderly Aboriginal man expressed how he struggled to find his voice but wanted to tell us the following:

money can split Aboriginal communities, for example there can be splits over native title money. I just want it to be voluntary ... we need reconciliation between different groups of Aboriginal people'.<sup>22</sup>

Entitlement-based conflicts can also occur among 'insular'<sup>23</sup> urban-based Aboriginal populations where 'group rights' policies and ideals are extant. In the regional centre of Viewtown where no Aboriginal people have traditional attachments to place, a white service provider observed that land and other claims are not a quest for a return to culture:

Rather, claims to assert a cultural renaissance through a whole range of structures and land claims is a strategy for political and economic dominance. At the moment, this is being waged on the front of 'local' versus 'outsiders'. But it will come down to family against family: this is already starting to emerge... (A) Community Council is being established, and the few dominant local families are particularly influential on this body. They showed me their Constitution for comment. What they are attempting to do is outrageous. Written into it are provisos that only locals have the right to Aboriginal services overseen by the Council. This includes such basic provisions as health and housing. Thus, it is a human rights issue.<sup>24</sup>

Entitlement-based conflicts with associated violence can be directed against individuals who attempt to forge a mainstream, self-directed future in town. This young Aboriginal mother's story about conflict over accommodation is telling here:

I now live on my own as a single mum with my children... I really like it being that way, because being single means lots of freedom, lots of peace and quiet, a place to retreat at the end of a study day ... I'm doing studies at TAFE, but I'm finding it really hard to protect this much-needed privacy. Relatives and more distant community people, particularly young men, come banging on my door at any time day or night demanding that I give them a place to stay... I nearly always refuse. This usually results in them crying out 'who do you think you are, that you don't give us a place?!' And then when I refuse again they start to threaten me by wrecking my place by throwing bricks through my window. I find this very frightening.<sup>25</sup>

The high mobility of Aboriginal people can intensify stressful overcrowding, with its associated sense of entitlement to shelter with relatives as they move between small outstations, larger settlements and towns.

### **GROUP RIGHTS: ADULT ENTITLEMENT, YOUTH PETROL-SNIFFING, CHILD ABUSE**

Remote small town life can be limiting for most young people. It is the same for Aboriginal young people on small remote settlements. Maggie Brady's early study on the causes of petrol sniffing indicates that allocation of resources based on power rather than equity can diminish opportunities for young Aboriginal people still further:

Young people are relatively powerless in remote communities. With the rise of political concepts of self-management (now government policy), decision-making lies in the hands of local Aboriginal councils, or legally incorporated Local Government Councils. These are all dominated by adults, primarily men. Community Councils are preoccupied with adult concerns and priorities, and the distribution of (not inconsiderable) resources lies in their hands. For example, a community in receipt of over \$1 million in royalty payments in the Northern Territory allocated only 3.5 per cent of this amount to young people (provision of a recreation officer), even when those under 19 years of age constituted 50 per cent of the total population.<sup>26</sup>

Brady adds:

Communities with a fundamentalist Christian orientation ... consistently prevented the use of Church-owned property by young people who had no recreation hall for roller skating, band practice, and discos. Some adult Christians have even banned the formation of local rock bands. While funds are made available for ceremonies, funerals, outstation development, there are poorly-maintained or non-existent recreation facilities for the young. Job prospects are few in remote communities, especially for those leaving school at 15 or 16.<sup>27</sup>

Mind-altering, damaging, and violence-promoting alcohol and petrol-sniffing are immediate 'solutions' to their boredom, hopelessness and powerlessness. Even very young Aboriginal children on remote communities are

at perilous risk of physical and sexual abuse at the hands of adolescent and adult Aboriginal male substance-abusers.<sup>28</sup> Resultant statistics, including high rates of sexually transmitted diseases among Aboriginal children (more at risk in remote areas), reflect the perilous impact on young children here.<sup>29</sup>

Children have little power in most human societies, and are too young even to make the limited choices that 'self-determinists' such as Lattas imply are available to adult victims.<sup>30</sup> Aboriginal children are further disempowered by minority or group rights. First, adult male entitlement protects perpetrators rather than abused children, so that those who want help can be too frightened to seek it.<sup>31</sup> Second, Aboriginal communities have the 'group right' to exclude outsiders including the media<sup>32</sup>, thereby rendering child neglect and abuse unnoticed, unreported, and the norms that allow it, unchallenged. Indeed even in these pressing times, Opposition calls 'to scrap media permits' to Aboriginal lands are being resisted by the South Australian Government.<sup>33</sup> Third, white guilt over past 'stolen generation' policies results in a national reluctance to protect at-risk Aboriginal children.<sup>34</sup>

### **GROUP RIGHTS: MALE DOMINATION, FEMALE ENTRAPMENT, AND A CULTURE OF VIOLENCE**

But indeed the women are in all respects treated with savage barbarity; condemned not only to carry the children, but all other burthens, they meet in return for submission only with blows, kicks, and every other mark of brutality. When an Indian is provoked by a woman, he either spears her, or knocks her down on the spot: on this occasion he always strikes on the head, using indiscriminately a hatchet, a club, or any other weapon, which may chance to be in his hand. (Watkin Tench, Port Jackson Colonial Officer, NSW, publ. 1793)<sup>35</sup>

*Aboriginal woman delegate:*

'If we are to recognise Mabo in it's true power and meaning, we can't be participating in business in other people's territory: that's white men's way!'

*Reply from another:*

'You claim that white men's ways are the problem. In the traditional ways that you want, you wouldn't even be allowed to talk! Women had to be submissive to their husbands.' (Aboriginal Women's conference, 1993)<sup>36</sup>

Violence against the person violates individual human rights, and, in a liberal democracy, the State is obliged to intervene. State reluctance to intervene has arisen because of the dominant paradigm which claims that Aboriginal group rights are more important than Aboriginal women's and children's individual rights. This is buttressed by an orthodox belief that traditional culture was not to a troubling extent violent, and that fostering a path back to traditional culture through group rights policy-making is a 'healing' process. It is also underscored by a reluctance to locate problems within a minority culture, so that Aboriginal violence *must* be seen as an outcome of white impact.<sup>37</sup> Certainly, minority rights policies become points of conflict and violence within communities disrupted by white settlement. The violence also has traditional origins.

There is considerable evidence that fear and the application of physical violence was a central method of social control, and that male violence against women in traditional Aboriginal society was commonplace, often severe, and by today's mainstream standards, completely unacceptable.<sup>38</sup> Culturally-nuanced traditional violent practices are still extant, used as a sanction against transgressions and to enforce power. Non-traditional Aboriginal people can find them frightening.<sup>39</sup> Given this, it is important that Federal and State Governments cease to recognise customary law and culture norms which excuse or which violently punish perpetrators. However, the social, political and geographic separateness of many Aboriginal settlements will continue to render intervention difficult. The entrenched orthodoxy of crucial mainstream structures is another difficulty here. For instance, 'The Law Council of Australia has

warned the federal government not to legislate to exclude customary and cultural factors from the sentencing process when people break the law.'<sup>40</sup>

The discrete, isolated Aboriginal community—which 'group rights' policies foster—is probably the worst kind of setting for Aboriginal women's and children's safety, and renders a spectrum of possible responses ineffective.<sup>41</sup> In her article 'Mediation, Towards an Aboriginal Conceptualisation', Madeleine Sauve explores the main alternatives.<sup>42</sup> First, the mainstream police and court system is problematic for Aboriginal victims, particularly on settlements:

In fact, an Aboriginal woman who charges her husband/brother/father with violent acts is responsible for whatever dangers or death may befall him once he passes through the justice system. Needless to say, the intensity of the social disapprobation she would be made to endure in the context of a small, bonded Aboriginal community would be intolerable. She would be hated by her family. Better the beatings.<sup>43</sup>

Sauve looks at whether mediation—intended as a 'healing' process involving a mediator who reflects community justice norms—is a potentially effective response to violence against Aboriginal women on communities. She expresses her 'deep felt worry' that even mainstream tolerance for violence against women runs counter to norms needed for effective mediation—hence condemnation of male deaths in custody, and 'discomfort' only when 'women are beaten to death and girl children are raped'. The chances of mediation working in community settings is even more unlikely:

Tolerance increases still more when the aggrieved party belongs to the offending group itself. This is the case for women generally, and for Aboriginal women living in communities, significantly more so. The conditions conducive to high levels of tolerance come together simultaneously

in communities: intimacy, cultural closeness, homogeneity. Conduct considered outrageous by an outsider is endured by one's familiars.<sup>44</sup>

Here emerges another 'conundrum' for group rights policy making. Within 'group rights' policy, conflict and violence abound within and between families in unstable, heterogeneous Aboriginal settlements. Yet culturally homogenous, more traditionally intact communities which orthodox thinking would predict to be less troubled, can be violent, unsafe places for women and children.<sup>45</sup> Sauve's analysis offers a further key to understanding here. In these places, there is minimal challenge to traditionally intact norms of violence against women.

Such an observation is bound to attract the criticism that it blames Aboriginal culture itself for violence against women. Federal Health Minister Tony Abbott's ideas about a return to a kind of paternalism<sup>46</sup> in the Anangu Pitjantjatjara Yankunytjatjara lands elicited the following response from the S. A. State Aboriginal and Reconciliation Affairs Minister, Jay Weatherill:

These comments are offensive.... They imply that the difficulties Aboriginal people find themselves in are something inherent in their Aboriginality.<sup>47</sup>

Abbott, however, points to a central problem with Aboriginal self-determination with minimal outside intervention as a setting for overcoming violence against women and children. There may be nothing 'inherent' about 'Aboriginality' that leads to greater levels of violence, but violence was and is prevalent within Aboriginal traditional culture, performing a central plank in maintaining law, and economic and power relations. For Aboriginal women victims in small, punitive, isolated settlements, however, this is a situation of powerlessness and no rights—not choice, not self-determination. Defenders of indigenous rights to self-determination fail to factor in adequately the powerlessness of women and children in these settings where

even extreme violence against them is tolerated. The human group contains within it power relations, potentially rendering women and children as voiceless victims. For the upholding of women's and children's physical safety, 'group' is an inappropriate entity for rights.

Moreover, the 'self-determination' position espoused by Lattas<sup>48</sup> and others, takes this a perilous step further. While it claims virtue in its non-intervention, instead it enhances the power of perpetrators and the powerlessness of victims. It does this by inviting 'progressive' thinkers to align themselves with the dominant political demands and power structures emerging from Aboriginal Australia. In this framework, we as a nation are discouraged from giving priority to the suffering of victims of Aboriginal domestic violence. Aboriginal domestic violence might be a pity but not an issue for sustained national outrage and unhindered interventions. Our outrage is instead to be channelled against any dilution of more 'ultimate' rights, viz. indigenous 'group rights', which essential strategies to combat Aboriginal domestic violence might entail. It is feared by this author that already, this is the dominant 'concern' expressed within the private and public conversations across 'progressive' Australia. In this way, we condone the violence, encourage power structures that give rise to that violence, and condemn victims to continued suffering.

### **CONCLUSION: PRIORITISING ABORIGINAL WOMEN'S AND CHILDREN'S SAFETY**

In the conclusion to my thesis, I wrote the following:

... Viable, optimal domestic violence intervention programs require a back-drop of government policy-making that encourages more Aboriginal integration with, rather than differentiation and distance from, the white population, and a critical, liberal assessment of 'cultural rights' principles underlying Aboriginal policymaking.

A major difficulty is that Aboriginal iden-

tivity formation processes are no longer fully controllable by the state. They are indeed, 'self-determining', albeit in less than a positive, self-actualising sense.... Insisting on a liberal-level priority for victim rights within such a setting is provocative, resistance is inevitable, and much more than a domestic violence education program is required.<sup>49</sup>

Within 'self-determined' settings, Aboriginal women's and children's vulnerability to violence increases, while the difficulty and negative consequences of seeking help are so traumatic that for many victims, as Sauve points out, 'better the beatings'. This is extreme powerlessness. For a liberal-democratic state, it is a clear signal to implement immediate, effective law enforcement to secure women's and children's safety, as well as longer term integration measures so that Aboriginal women and children's individual rights are no longer subordinated to 'cultural rights' claims. The resistance to this may be strong, and advocating such policy change brings forth ostracism and unfair criticism. However, considering the suffering endured by too many Aboriginal women and children under 'group rights' policy-making, it must be done.

## NOTES AND REFERENCES

- 1 Madeleine Sauve, 'Mediation: Towards an Aboriginal Conceptualisation,' *Indigenous Law Bulletin*, Vol. 3, No. 80, May 1996, p.6. [www.austlii.law.uts.edu.au/au/special/rsjproject/rsjlibrary/ilb/vol3/no80/2.html](http://www.austlii.law.uts.edu.au/au/special/rsjproject/rsjlibrary/ilb/vol3/no80/2.html)
- 2 Judy Lattas, 'Sexed civil rights: a European model considered for Australia', workshop paper for the Women's Constitutional Convention 2002, Thursday 13th June. (web) [www.wcc2002.asn.au/program/Judy\\_Lattas.doc](http://www.wcc2002.asn.au/program/Judy_Lattas.doc) In this paper, Lattas includes a critique of my chapter, Stephanie Jarrett, "'This is as much as we can do': Aboriginal domestic violence", Ch. 5 in Gary Johns ed., *Waking Up To Dreamtime: The Illusion of Aboriginal Self-Determination*, Media Masters, Singapore 2001, pp. 102-124.
- 3 ABC Lateline, ABC Channel 2, 15th May, 2006. See also Tony Abbott, MHR, Minister for Health and Ageing, Leader of the House of Representatives, 'Speech Notes for the launch of *Australia's Health 2006*, at the Australian Institute for Health and Welfare Conference, Hyatt Hotel, Canberra, Wednesday 21 June 2006 [www.health.gov.au/interent/ministers/publishing.nsf/content/health-mediarel-yr2006-ta-abbsp210606.htm](http://www.health.gov.au/interent/ministers/publishing.nsf/content/health-mediarel-yr2006-ta-abbsp210606.htm). See also, Miranda Devine, 'A culture of violence that must change', *Sydney Morning Herald* Opinion, 18 May, 2006 <http://www.smh.com.au/news/opinion/a-culture-of-violence-that-must-change/2006/05/17/1147545387118.html>
- 4 I prefer the term 'group rights' rather than 'minority rights', because of its stronger differentiation from 'individual rights': an important differentiation regarding policymaking for victim safety.
- 5 It is hoped that this paper at least sounds another cautionary note to those committed to orthodox 'group rights' policymaking. However, resistance to paradigm shifts is strong, so I add the following about myself. My views tend to be 'left' and 'progressive'. My voting swings between The Greens and Labor, and my priorities resonate with terms such as human rights, social justice, environmental protection, and a strong welfare state. I used to espouse Aboriginal 'group rights' goals such as land rights and self-determination, because they seemed self-evidently correct, and they resonated with my other political views. Through conversations with service providers and in particular with Aboriginal people expressing misgivings with orthodox policy, I arrived at a very different view.
- 6 Noel Pearson, 'Don't listen to those who despise us', *The Age*, Opinion, June 26 2006, p.11. Note that this headline given to Pearson's article in *The Age* is not necessarily attributable to Pearson.
- 7 *Ibid.*
- 8 *The Australian Declaration Towards Reconciliation* [www.austlii.edu.au/au/other/IndigLRes/car/2000/12/p.3.htm](http://www.austlii.edu.au/au/other/IndigLRes/car/2000/12/p.3.htm)
- 9 Pearson *op cit.*
- 10 Rogers *op cit.*
- 11 Colin Tatz, 'Aboriginal Violence: A Return to Pessimism', *Australian Journal of Social Issues*, Vol. 25, No.4, November 1990, pp.245- 259. See also Rosemary Neill, 'Aboriginal violence has a lengthy history', *The Australian*, Opinion, May 19, 2006, p.14.
- 12 A few examples of key government measures shaped by Aboriginal 'group' rights ideology since Prime Minister William McMahon encouraged self-management 'soon after the 1967 referendum', are mentioned in my "'This is as much as we can do': Aboriginal domestic violence", Ch. 5 in Gary Johns ed., *Waking Up To Dreamtime: The Illusion of Aboriginal Self-Determination*, Media Masters, Singapore 2001, pp.102-3.
- 13 For an example of support for the idea of self-determination as intrinsic to reconciliation, see *Submission from Oxfam Community Aid Abroad to the Senate Legal and Constitutional References Committee of Inquiry into the Progress Towards National Reconciliation Including the Adequacy and Effectiveness of the Commonwealth Government Response*, Nov 2002 [www.oxfam.org.au/campaigns/submissions/reconciliation.pdf](http://www.oxfam.org.au/campaigns/submissions/reconciliation.pdf)
- 14 Examples: *Ibid.*, Judy Atkinson, 'Violence in Aboriginal Australia Part 2', *Aboriginal and Islander Health Worker*, Vol 14, No.3, Sept 1990; Audrey Bolger, *Aboriginal Women and Violence*, Criminology Research Council and Northern Territory Commissioner of Police, Report, ANU North Australia Reseach Unit, Darwin, 1991; Rosemary Neill, 'Our shame: how Aboriginal women and children are bashed in their own community: then ignored', *The Weekend Australian (Review)*,

- June 18-19, 1994, pp.1-2; Tony Koch, 'The moment the laughter died', pp.1 and 6, and 'Our black mark of shame', *The Courier Mail*, October 31, 1998, p.21.
- <sup>15</sup> Examples pointing to fundamental flaws in Aboriginal 'orthodox' (group rights) policy : John Hirst, 'Five fallacies of Aboriginal policy', *Quadrant*, July-August 1994, pp.11; Peter Howson, 'Reality and Fantasy: the Abject Failure of Aboriginal Policy', *Quadrant*, April 2000, pp. 20-24; Gary Johns and Ron Brunton, *Reconciliation: What Does it Mean?*, IPA Backgrounder, Nov 1999, Vol 11/4 [www.bennelong.com.au/articles/pdf/johns-brunton-reconciliation](http://www.bennelong.com.au/articles/pdf/johns-brunton-reconciliation). See also Rosemary Neill, *White Out: How Politics is Killing Black Australia*, Allen and Unwin, NSW, 2002.
- <sup>16</sup> David Ross, 'Aboriginal Customary Authority and Decision Making: The Key Role of Traditional Owners in Creating Legitimate and Capable Governance', Director, Central Land Council, paper for Indigenous Conference November 2003, p.1. [www.nt.gov.au/odscal/indigenous\\_conference\\_web/html/David\\_Ross\\_paper.pdf](http://www.nt.gov.au/odscal/indigenous_conference_web/html/David_Ross_paper.pdf)
- <sup>17</sup> D. Martin, 'The Reeves Report's assumptions on regionalism and socioeconomic advancement' in *Land Rights at Risk: Evaluations of the Reeves Report*, Research Monograph No. 14, Centre for Aboriginal Economic Policy Research, the Australian National University, p.158, quoted in *Ibid*.
- <sup>18</sup> An example of this phenomenon in the Pilbara is discussed in Gary Johns, 'Strife Amid Plenty: Aboriginal Policy after Land Rights', *IPA Review*, September 2005, pp.17-19, esp. p.18.
- <sup>19</sup> For an example, see Stephanie Jarrett, "'This is as much as we can do': Aboriginal domestic violence", Ch. 5 in Gary Johns ed., *Waking Up To Dreamtime: The Illusion of Aboriginal Self-Determination*, Media Masters, Singapore 2001, p. 120.
- <sup>20</sup> Also in *Ibid*, p.19. I have included it here again because of its powerful clarity and lament. During field work, a Viewtown service provider spoke of the inter- and intra-family violence generated by a huge volume of disputes regarding homelands.
- <sup>21</sup> Field work for Ph.D thesis.
- <sup>22</sup> Pt Augusta *Public Meeting for Comment on the Draft Declaration for Reconciliation*, August. 11, 1999. However, he had little opportunity to elaborate, because a young white man jumped in to say that such 'airing of dirty linen' by Aboriginal people is not helpful to Reconciliation. As far as I could tell, this brave elderly Aboriginal man's comment, quashed by a 'politically correct' young white man, was not tabled at this Reconciliation 'Public Comment' meeting.
- <sup>23</sup> For a definition of 'insularity' and how it differs from 'isolation', see Johns 2005 *op cit.*, p.18.
- <sup>24</sup> Field work for Ph.D. thesis.
- <sup>25</sup> *Ibid*.
- <sup>26</sup> Maggie Brady, *Petrol Sniffing Among Aboriginals: Differing Social Meanings*. Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, funded by Research into Drug Abuse Advisory Committee of the Department of Community Services and Health (1987-1989). (This article is an extract from the full report, *Heavy Metal: The Social Meaning of Petrol Sniffing in Australia*, published by Aboriginal Studies Press, Canberra 1991) <http://www.drugtext.org/library/articles/912410.htm>
- <sup>27</sup> *Ibid*.
- <sup>28</sup> Rogers *op cit*.
- <sup>29</sup> Asleigh Williams and Tony Barrass, 'Abuse STDs rife in indigenous children', *The Australian*, June 23, 2006, pp. 1 and 4; and Tony Barrass and Ryan Emery, 'STD cases on the rise in black children', *The Australian*, June 23, 2006, p.4.
- <sup>30</sup> Lattas *op cit, passim*.
- <sup>31</sup> See Nicolas Rothwell, 'Men's secret out', *The Weekend Australian Inquirer*, May 27-28 2006, p.25; Tony Barrass and Ryan Emery, *ibid.*; and Imre Salusinsky, 'Families ostracise child victims', *The Australian*, June 26 2006, p.8.
- <sup>32</sup> Barras and Emery *ibid*.
- <sup>33</sup> Michelle Weise Bockman, 'Row on media access to lands', *The Australian*, June 10, 2006. [www.theaustralian.news.com.au/stroy/0,20867,19421559-2702,00.html](http://www.theaustralian.news.com.au/stroy/0,20867,19421559-2702,00.html)
- <sup>34</sup> See Neill *op cit.*, Ch. 4, 'The stolen generation: holocaust or fiction?', pp. 116-171.
- <sup>35</sup> Watkin Tench, *A Complete Account Of The Settlement At Port Jackson: Including An Accurate Description Of The Situation Of The Colony; Of The Natives; And Of Its Natural Products*, G. Nicol and J. Sewell, London, 1793. Ch. 17, p. 133. <http://setis.library.usyd.edu.au/oclit/pdf/p00044>
- <sup>36</sup> An Aboriginal woman of some authority attempted to deny conference voting entitlement to a young Aboriginal woman who fled from domestic violence from interstate to SA several years earlier, on a 'Mabo' basis that she is not South Australian. The second part is the young Aboriginal woman's reply. Some Aboriginal women's contributions to *The South Australian Aboriginal Women's Issues Conference*, May 24-27 1993, Crystal Brook, S. A.
- <sup>37</sup> The African-American scholar Thomas Sowell analyses this phenomenon. See his *Race and Culture: A World View*, Basic Books, 1995, esp. pp. 10-11.
- <sup>38</sup> For an important analysis of violence against Aboriginal women in both pre-White and contemporary traditional settings, see Joan Kimm, *A Fatal Conjunction: Two Laws, Two Cultures*, The Federation Press, Annandale N.S.W, 2004. In particular, it examines conflicting rights regarding women's safety, customary law, and contemporary judicial responses.
- See also:
- Daisy Bates, *The Native Tribes of Western Australia (1901-1914)*, ed. Isobel White, National Library of Australia, Canberra, 1985, pp. 120-121, 129, 131-132, 144-145.
- Ronald M.Berndt and Catherine.H. Berndt, *The World of the First Australians: an introduction to the traditional life of the Australian Aborigines*, Ure Smith, Sydney, pp. 136, 159-160, 166, 170-171, 173-178.
- Gillian Cowlshaw, 'Infanticide in Aboriginal Australia', *Oceania* 4, June 1978, pp. 262-283.
- David McKnight, 'Fighting in an Aboriginal Supercamp', in *The Anthropology of Violence*, ed. D. Riches and B. Blackwell, Oxford, 1986, esp. p.146.

- T. G. H. Strehlow, *Songs of Australia*, Angus and Robertson, Sydney 1971, q. in K. S. Strehlow, *The Operation of Fear in Traditional Aboriginal Society in Central Australia*, The Strehlow Research Foundation, Prospect 1984.
- Tench *op cit.*, chs. 5, 8, 11, and 17.
- W. L. Warner, *A Black Civilisation: a social study of an Australian tribe* (revised), Harper, U.S.A., 1937 (1958), pp. 27-28, 129-30, 155-156.
- <sup>39</sup> Thesis field work interviews with Aboriginal and non-Aboriginal people; Aboriginal Women's Issues Conference, *op cit.*
- <sup>40</sup> *Living Black*, 'Customary Law Challenge', SBS Radio, AAP, 27 June, 2006. <http://news.sbs.com.au/livingblack/index.php?action=news&id=129930>
- <sup>41</sup> For a summary of some statistics regarding Aboriginal violence in remote settings, see Kimm *op cit.*, p.4, citing (a) A. Ferrante, E. Morgan, D. Indemaur, and R. W. Harding, *Measuring the Extent of Domestic Violence*, Hawkins Press, Sydney, 1996, pp. 36-37, and (b) P. Memmott, R. Stacy, C. Chambers, C. Keys, *Violence in Indigenous Communities*, Crime Prevention Branch, Commonwealth Attorney General's Department, Canberra, 2001, p. 39. See also Neil Thomson ed., *The Health of Indigenous Australians*, Oxford University Press, South Melbourne 2003, Ch. 19, 'Injury', *passim*, esp. p.450 Table 19.3 sourced from S. Lehoczyk, J. Isaacs, and J. Hargreaves, *Hospital Statistics, Aboriginal and Torres Strait Islander Australians. 1999-2000*, Australian Bureau of Statistics, Canberra, 2002.
- <sup>42</sup> Sauve *op cit.*, p.5.
- <sup>43</sup> *Ibid*, p.6. My chapter in *Waking up to Dreamtime, op cit.*, discusses the lack of choice that Aboriginal victims face to escape isolated communities. p.111
- <sup>44</sup> Sauve *ibid.*, p.6. See also Kimm *op cit.*, p. vii.
- <sup>45</sup> The view that homelands are safer places is evident in Frances Morphy, 'The future of homelands in north-east Arnhem Land', *CAEPR Reconciliation Australia Indigenous Community Governance Research Project Workshop with NT and Australian Government Partners*, Darwin, NT, 2005. [online.anu.edu.au/caepr/Projects/Homelands\\_future\\_FMorphypdf](http://online.anu.edu.au/caepr/Projects/Homelands_future_FMorphypdf). Also q. in Gary Johns, *Aboriginal Education: Remote Schools and the Real Economy*, *The Menzies Research Centre*, 29 May 2006, p.1 <http://www.bennelong.com.au/index.php> For some insight into the nature of traditional violence against women in one traditional community, see Cowlshaw *op cit.*, esp pp. 275-281.
- <sup>46</sup> Michelle Grattan, 'Abbott calls for a new paternalism: Indigenous overhaul urged', *The Age*, June 21, 2006, p.3. As Gary Johns argues, all policy is paternalistic: some is enabling, and some is disabling. See Johns, 'Aboriginal education in remote communities', *The Australian*, May 30, 2006. <http://www.bennelong.com.au/articles/johnsozmay2006.php>
- <sup>47</sup> Jay Weatherill, *The Adelaide Advertiser*, July 7 2006, p.20.
- <sup>48</sup> Lattas, *op cit.*
- <sup>49</sup> Jarrett 1998, *op cit.*, p. 310.



## About the Author

Stephanie Jarrett is a Visiting Research Fellow with the Department of Politics, The University of Adelaide. Her Ph.D was a critical assessment of Government policy responses to Aboriginal domestic violence. Research for this thesis included a year of field work, during which time extensive quantitative and qualitative primary research was undertaken, with input from a wide range of Aboriginal and non-Aboriginal residents, service providers, and policy makers.

Since her Ph.D, Stephanie has participated in a wide range of research projects, including reports into the education training needs of the public sector with the SA Public Administration Industry Training Advisory Body, local government community planning reports, and with the Flinders University, qualitative and quantitative research into the needs of disadvantaged families with young children with *The Families With Young Children Project*. As field worker team leader for this project, Stephanie organised and participated in the recruitment and interviewing of 500 Adelaide families living in disadvantaged suburbs, and presented a paper to the Bennelong Society based on her quantitative analysis regarding the 65 families with Aboriginal children who participated in this project.

Stephanie also has teaching experience with Aboriginal students in the tertiary sector, particularly as a tutor assisting individual students with key essay writing and research skills.