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Book Review by Stephen Hall

It's not often that you can judge a book by its cover but in this case you can. The picture of around 100 men chained at the neck in Wyndham, imprisoned for 'unlawful possession of beef', after being convicted of killing introduced cattle on Kimberley pastoral stations, tells a powerful story. Indeed, judging by the reaction to the photo on social media (having been viewed some 2.9 million times to date) the vast majority of the non-Aboriginal population had no idea that this even occurred, let alone being standard practice well into the 20th century.

Author and historian Chris Owen is well regarded for his meticulous research with state archival records, his first book having won a national Human Rights Award. Owen carefully lays out the evidence from the available historical records from 1882, when police were established in the Kimberley, until 1905 when an infamous Western Australian royal commission into 'the conditions of the natives' chaired by Dr Walter Roth reported. The book's title comes from a police officer's evidence to Roth; the officer was effectively saying that Aboriginal people were guilty of everything. Their behaviour was criminalised. Owen ably demonstrates that the way the criminal law was applied to Aboriginal people remained confused from 1829 into the 1960s. He also details the confusion around lines of authority; for example, the Commissioner of Police would order 'dispersals' (shootings) of Aboriginal people from Perth following deputations from pastoralists. Owen notes how most of the recommendations of the Roth report were ignored; for example, chains remained in use until 1956.

This is a book about conflict on a major scale, covering accounts of resistance, including the well-documented story of Jandamarra, as well as other resistance warriors. Owen draws the threads of

resistance together and notes concerns aired in parliament about guerrilla warfare and potential hostilities.[1] A pastoralist 'ordered a group off his station and was astonished when they 'ordered me off' their land'.[2] There is a national reluctance in Australia to frame frontier conflicts as war, and yet the whole exercise was more like a military operation than a civil one.[3] In fact, as early as 1888 it was recorded that there was a 'danger of the police forgetting they are a civil not military body'.[4]An inherent conflict for police was between protecting pastoralists and their commercial interests versus protecting the rights of Aboriginal people. The dilemma for the pastoralist was while many would be happy 'when kangaroo and natives disappear'[5] they also needed cheap Aboriginal labour to make successful businesses of their pastoral holdings and investments. There is evidence of an alignment of business interests with political power, with key pastoralists also being leading politicians who had a significant influence on police operations and resources. While Australia in the 1880s was known as the leader in social innovation amongst Europe and its colonies, the question of Aboriginal labour was disputed internally. Aboriginal people wanted to stay on country and Owen deals with this extensively. What do we call forced labour with rations, but without wages? Blackbirding, indentured service, indentured labour; are all terms that have been used to avoid the harsh reality of the term 'slavery'. Australia remains uncomfortable with the word in relation to its own history. Nonetheless unpaid labour, unsafe working conditions, basic rations, exploitation and abuse is surely slavery by any meaningful definition. Again, Owen treats this topic with care. Prominent Perth citizens called it slavery and it was reported as such both locally and overseas. While the controversy continued, Aboriginal people, including ones who did not sign an indenture, were still liable to be imprisoned if they disobeyed pastoralists' orders or absconded.[6]

Owen demonstrates powerfully the drastic consequences of colonial self-government in 1890 for Aboriginal people. The imperial government retained powers over Aboriginal people because of concerns about their treatment in the north flowing from protests by Reverend John Gribble, Malcolmson and others. But Forrest's determined lobbying was successful and in 1898 the imperial government relinquished control. The hardening of political attitudes, freed of the earlier restraint of being answerable to the London based Colonial Office, resulted in this period seeing an escalation of police patrols, elimination of resistance to dispossession, and the final invasion of country by pastoralists and their cattle. The policing of Aboriginal people changed from one of protection under law to one of punishment and control. The killing of Aboriginal people by pastoralists, their employees and police was widespread during the period and is well documented throughout the volume. Leading West Australian politicians like John Forrest knew all this was going on; the remoteness of the Kimberley from Perth meant there were few disinterested observers. A quote about Sergeant Lavery is telling; he was 'the wrong type of officer for the times … in February 1893 he was disciplined for not shooting Aboriginal people'.[7] Bush patrols, and bush work became the most contentious aspect of policing. From the late 1880s onwards bush patrols were effectively hunting parties.[8]

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There is a recurring theme of confusion about who exactly was responsible for the welfare of Aboriginal throughout the period. They inhabited a legal grey area as neither protected citizens, nor adversaries who could be conquered by force. Owen argues that this lack of legal status only re-enforced their marginalisation.[9] In 1833, in the Swan River Colony, Noongar leader Midgegooroo was illegally executed by firing squad, without trial.[10]This laid the groundwork for what that unfolded fifty years later in the Kimberley. Intimidation became normal, the Police Commissioner Philips in 1888 writing: 'if the natives continue to give trouble, and of this there is little doubt, a severe example must be made of some of them and in such a manner as to have a lasting, salutary effect on them'. [11] Extensive police documentation of killings by bush patrols makes this an important account of Australian colonisation. Owen settles any remaining controversy about the meaning of the word 'dispersal' as a police tactic.[12]

The subsequent violence of colonial settlement and the associated policing and criminal justice system that developed, often of questionable legality, was termed a 'brutal and outrageous' state of affairs by Royal Commissioner Roth. And yet, 'subsequent governments were reluctant to introduce any measure that would loosen the control over Aboriginal people, even when the report had shown them to be illegal'.[13] Owen eloquently reveals the subtle complexities of the role of police in the displacement of Aboriginal people and the complete absence of policy about what exactly they were to do as their country was colonised. Europeans were willing to leave their homes to establish a new enterprise, while Aboriginal people were unwillingly displaced from their lands. It is not easy to express the full reality of displacement as it is an articulation of a loss from within the displacement itself. The change needs to be considered through concepts of space, place, identity,

land and culture. Owen gives a thorough overview of the change that was implemented and its impact on the future.

The 'History Wars' main field of battle was the bitter and still unresolved cultural struggle over the nature of the Indigenous dispossession and the place it should assume in Australian self-understanding. In this review I have touched on three themes: resistance and conflict, labour and slavery, and killings for both extermination and example. While not wanting to revisit debates about 'genocide' in Australia, the intent and outcome was clearly 'genocidal'. Aboriginal people in Australia have had a long history of being terrorised by white colonialism. We cannot allow ourselves to forget that the violent dispossession of Aboriginal people in the 'social laboratory of the world' was a primary contributing source of the wealth and privilege of Australian society. The Australian history that Aboriginal people have known is not an attractive one. This is a major contribution to a new Australian historiography and will serve as an important reference in understanding the vexed matter of contemporary relations between Aboriginal communities and police in Australia.

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1 Chris Owen, *Every Mother's Son Is Guilty' Policing the Kimberley frontier of Western Australia 1882 – 1905* (UWA Publishing, 2016) 204.
2 Ibid, 209.
3 Ibid, 327.
4 Ibid, 202.
5 Ibid, 266.
6 Ibid, 283.
7 Ibid, 339.
8 Ibid, 181.
9 Ibid, 427.
10 Ibid, 72.
11 Ibid, 211.
12 See, eg, ibid 145-146, 232, 318, 325, 339, 350.
13 Ibid, 421.

Snake 2
Kamahi Djordon-King

650mm x 350mm