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Henry Reynolds. *Why Weren't We Told?* Melbourne: Penguin Books, 1999. 264 pp. $23.00 (paper), ISBN 978-0-670-88741-5.

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An Historian Becomes Activist

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Historians have long felt ignored by policy makers and politicians, but Henry Reynolds's book, *Why Weren't We Told*, offers hope to those who think that Clio's decline has been terminal. Reynolds has spent the past two decades leading the revolution in historical understanding of black-white relations in Australia. The efforts he has led have all but destroyed the traditional understanding that the colonization of Australia was a benign process that encountered little resistance.

Until recently, this version was the standard textbook account of white settlement and the fate of the Aborigines. It dated back to the Darwinian view that primitive tribes would inevitably be supplanted by culturally and technologically superior civilizations. No historian believes this any longer, although a concerted minority of whites is still defending it vigorously.

More than simply reinterpreting the history of Australian race relations, Reynolds's work has underwritten Australian Aborigines' claims for land rights. Aborigines pursued both political and legal avenues to establish land rights, but the initial test case failed in the 1960s because the court stuck to the black letter of Anglo-Australian law, which held that all land title derived from the Crown and that the courts could not recognize any pre-existing claims.

In 1992 the High Court of Australia overturned that decision in *Mabo v. Queensland*. The court recongized a residual form of traditional land ownership–native title–in a case brought by Eddie Mabo. He argued that his ancestors had always occupied land in the Torres Strait Islands off northeast Australia, and that his occupation established good title. The Queensland state government denied that any such ownership existed and relied on late-19th-century statutes in arguing that British settlement had extinguished all previous legal title.

The *Mabo* decision had the same kind of seismic impact on Aboriginal politics that *Brown v. Board of Education* did on the civil rights struggle in the United States. It has underwritten much subsequent Aboriginal activism, and it provoked a serious political backlash, particularly in Western Australia and Queensland. In those rural states, a large proportion of the land was the subject of mining or pastoral leases (similar to the leases of federal lands in the western United States). Both miners and graziers attacked the High Court in a campaign echoing the effort to impeach Earl Warren. Conservative politicians denounced judges for legislating from the bench, and promised to curb the power of the courts.

The farmers' lobby announced that every homeowner's backyard was now under threat. A leading mining executive made speeches denouncing the Stone Age culture of Aborigines, and argued that their interests should give way to the national economic interest in resource development. The campaign pushed the view that native title gave special privileges to Aborigines.

The "crisis" was resolved with a complex compromise in 1993 that tried to legislate to provide a speedy and orderly system for trying and settling native title claims. Farming and mining interests still complained, but their demand that the High Court's new doctrine be legislated out of existence was untenable because the Australian Constitution requires just compensation for any property taken by government. All sides agreed that extinguishing native title would be the taking of property; all but farmers and miners agreed that the compensation bill for all potential claims would have been astronomical, and ruled it out as a fiscal impossibility.

Those who had traditionally ignored and overridden Aboriginal interests took some comfort in the assumption that existing pastoral and mining leases extinguished native title. The whole issue flared again, however, when the High Court ruled in 1996 in *Wik v. Queensland* that native title co-existed with pastoral leases.

When this judgment came out, the conservative parties were in government, but beyond amending the 1993 law by making it more difficult to prove claims, and adding a host of technical rules, there was little room for political maneuver because of the takings clause in the Constitution.

The native title decisions were much more narrowly tailored than the extreme rhetoric suggested. Any claimant had to establish a continuous relationship with the land, which meant effectively that Aborigines in more remote parts of the country might benefit, but truly dispossessed aborigines in urban slums or on the edge of rural towns had no legal claim under the new doctrine. (The 1993 settlement was supposed to fund a compensation fund for such people, even though in 1992 the High Court split 3-4 on the question whether dispossessed Aborigines should be compensated for their ancestors' losses.)

The restricted definition of native title made nonsense of claims that suburban backyards were in danger. Freehold title extinguished native title without compensation, and so major cities, much of the richest farm land, and valuable coastal real estate were all excluded from native title claims. The Yorta Yorta people, for example, sued claiming large swathes of land in northern Victoria and southern New South Wales, but this area had been settled in the mid-19th century, which disrupted their tenure and thus their native title claim. Despite the best efforts of historians and anthropologists who acted as expert witnesses, the tribe could not meet the legal standards of a continuous relationship with the land. The courts have required that claimants literally occupy and use the land. A spiritual claim will not suffice, which precludes all who were herded onto mission reservations or forced to the fringes of white settlement.

Why Weren't We Told? recounts Reynolds's unlikely journey from his writing traditional political history to being a leading political activist. It also offers lay readers a summary of his historical research. He has argued that well into the 19th century, the British government tried to reach a peaceful accommodation with the Aborigines, and sought to protect them and their land from the predatory behavior of white settlers. Reynolds's work has also drawn attention to the abundant evidence in the historical record of warfare between natives and settlers. Whites routinely resorted to massacre as a means of taking Aboriginal land, according to Reynolds, and it is this characterization of Australian settlement that has created the most controversy.

In 1964 Reynolds moved from graduate study in London to a permanent teaching position at Townsville University College. His previous experience had left him unprepared for the frontier race relations he found in north Queensland. Whites felt vaguely threatened by rumblings from the south for liberalisation, and remained intransigent in keeping Aborigines strictly subordinated. (During the 1960s and 1970s, liberals referred to rural Queensland as "the Deep North.") Reynolds admits that he never directly challenged the racism he saw in north Queensland. He describes the poverty and drunkenness that pervaded the Aboriginal community, and in retrospect, clearly describes how police saw themselves upholding the racial hierarchy on the frontier. This situation, he argues, simply continued the pattern of race relations that had created frontier Australia.

Reynolds says that he began to bring his professional life and political convictions together in 1969 when he began teaching Australian history. He was drawn into local research that uncovered the violence on the frontier, first in the documentary record; increasingly, he turned to the Aboriginal community, where he found a clear and convincing memory of frontier violence.

Reynolds's book not only explains the basis for his arguments that violence created the Australian frontier, but takes the opportunity to respond to conservative critics who attacked his use of evidence and his conclusions. Justifying his estimate of 20,000 Aborigines and 2,000 or more Europeans killed in frontier battles, Reynolds argues that the process of creating that frontier was anything but gentle.

In the course of explaining his thinking and his writing, Reynolds replies to some of his more trenchant critics who have accused him of exaggerating the evidence or deliberately misinterpreting it to create a "black armband" view of Australian history. Most of his explanations are more than convincing. The book also details Reynolds's relationship with Eddie Mabo, the lead plaintiff in the 1992 case that established native title. Mabo met Reynolds in Townsville, where he, like many other Torres Strait Islanders, had moved to find work. Reynolds's account, however, leaves the reader wanting more explanation of the relationship between the two men. Reynolds was apparently close to the creation of the case itself, as well as providing much of the intellectual effort that has reconfigured the understanding of settlement and conquest in Australian history.

Considering the welter of abuse that has been heaped upon him, Reynolds's response in these pages is surprisingly quiet. He writes more in sorrow than in anger at his critics, but he is undoubtedly right that much of the po-

litical debate about native title has assumed there is no harm in compromising the rights of Aborigines. Why, Reynolds asks, can't non-indigenous Australians recognize their own racism? In this question he implicates not merely the racist fringe, but the well-meaning middle class who sympathize with land rights.

The book also outlines where some of Reynolds's other research has taken him. He is moving beyond the violent conquest in the contact period. Much of the heroic pioneering of the Australian landscape into commercial farms, he argues, was done by black laborers – not white settlers. Without native labor, Australia never could have been the economic success story it was between 1800 and 1950.[1]

These themes permeate Reynolds's scholarly work, and most historians will want to look at books like *The Other Side of the Frontier* and *The Law of the Land* to appreciate his scholarship fully.[2] This book, by contrast, was written for a lay, particularly Australian audience. Reynolds felt his countrymen needed a clear and simple explanation of the big reversal in thinking about Aboriginal history and the legal rights of indigenous inhabitants that has taken place in the last three or four decades. He provides this, but professional historians who need a quick overview of Australia's frontier history and recent race relations also will benefit from the book. Most should be pleased to find that Reynolds's work as a historian has triumphed in speaking truth to evil.

NOTES

[1.] *See particularly* Henry Reynolds, *Black Pioneers* (Melbourne: Penguin, 2000).

[2.] Henry Reynolds, *The Other Side of the Frontier* (Melbourne: Penguin, 1990); Henry Reynolds, *Law of the Land* (Melbourne: Penguin, 1992); and Henry Reynolds, *Fate of a Free People* (Melbourne: Penguin, 1995).

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