

## Chapter Six

### *The New Official Religion : The Hindmarsh Island and La Trobe Affairs*

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Australian public life has always had a sceptical and sardonic flavour, which has preserved us from many political mistakes, and it is a measure of the change in the intellectual climate during the Keating era that we seem to have lost some of this collective sense of the ridiculous.

Ten or fifteen years ago the cartoonists would have had a field day with the spectacle of a federal minister making policy decisions on the basis of magical secrets in sealed envelopes; they might have seen the possibilities of applying this technique to other areas of government, such as the Budget Speech. More recently there has been the clash of cultures in which a court has ordered the archaeology department of La Trobe University to close down an entire program of research, and to hand over a scientifically valuable collection of non-human remains from the Ice Age period to the Tasmanian Aboriginal Land Council.

Both the Hindmarsh Island enquiry and the La Trobe affair are excellent examples of the way courts and royal commissions are being asked to resolve questions that really belong to history, science and economics. It may be only a matter of time before the High Court is asked to declare the law of diminishing returns invalid, or to grant an injunction against the law of gravity.

The current problems of archaeology and anthropology are instructive and significant for everyone living in cultures, like our own, founded on Western intellectual traditions.

In spite of all that can be said about the damage that indigenous societies have sustained by being forced into contact with Western civilisation, there is no doubt that archaeology, largely a Western phenomenon, has been immensely valuable to indigenous people in various parts of the world by revealing the long perspectives of their prehistory, and by rescuing the physical remains of ancient cultures from complete oblivion.

Australian archaeologists have behaved with exemplary sensitivity, and until about fifteen years ago they had very good relations with the Aboriginal people in the regions they were investigating. But they are now having to repeat the disturbing experience of American archaeologists: there has been an explosion of indigenous militancy, in which even the smallest--and sometimes previously undefined ---ethnic groups are defiantly asserting their authenticity and are rejecting everything, including science and history, that can be interpreted as part of an exploitative white colonial culture.

In the USA and in Australia, archaeologists excavating sites where the material is 10,000 or even 25,000 years old have been assailed by zealots claiming to be the traditional custodians of the remains--accompanied by teams of lawyers and anthropologists--who have laid down conditions, for example that nothing be touched by women archaeologists, and have demanded that both human remains and non-human detritus be "returned" to them for reburial in secret locations or for ceremonial destruction. Generally speaking, the claimants have had no discernible relationship to the excavated material: in one celebrated American case the remains from a very old site in West Virginia had to be "handed back" to activists claiming to represent the Native American Nation, coming from various parts of the USA, some from as far away as Seattle.<sup>1</sup>

In Australia almost every university and museum collection is having to deal with demands to hand over archaeological material, the classic instance being the Kow Swamp collection formerly in the Museum of Victoria. Kow Swamp was a unique archaeological site, subsequently written up in scholarly journals all over the world; the material was between 9,000 and 15,000 years old and included remains of two distinct physical types of early humans, throwing further light on the successive migrations into the Australian continent. In 1990, without consulting the archaeologists who had been studying the material, or the Museum itself, the State Government handed over the Kow Swamp collection to the Echuca Aboriginal Collective, who claimed to be the "traditional custodians": they announced their intention of reburying it in a secret location, a curious interpretation of the duties of a custodian.

Each case in North America and Australia has followed an almost ritual pattern. First, the assertion that indigenous representatives own the remote past, and are quite within their rights to forbid access to it by archaeologists and palaeontologists. Second, a series of breathtakingly tendentious demands for all excavated material to be given up, "returned", "handed back". Third, ritual abuse of the discipline of archaeology itself as a form of colonial exploitation, an appropriation ----virtually a theft ----of indigenous culture, and scientifically worthless.

The recent court order to La Trobe was celebrated by the winning side with triumphalist media appearances and letters to the editor, including one from Michael Mansell ridiculing "the mad scientists at La Trobe".<sup>2</sup> And the ritual end to each case is an embarrassed retreat by the archaeologists. Most people in the discipline depend on permission from indigenous organisations to continue their field work; their nervousness is reflected in the 1990 code of practice of the World Archaeological Congress, adopted in a stronger and more explicit form by the Australian Archaeological Association in 1991, virtually conceding ownership of the prehistoric past by modern Native Americans and Australian Aborigines.<sup>3</sup>

However, a few distinguished archaeologists who are either retired or no longer need permits have put forward a very powerful case for the defence of their discipline--an important case because it amounts to a defence of the entire Western scientific tradition.

Australian archaeology is world archaeology, because the early humans who reached the Australian continent were part of a great migration outwards into the furthest corners of the world, at a time when races were not at all as clearly differentiated as they are in the modern period. The people of the Pleistocene epoch were, simply, early humans, and form part of the spectrum from the first hominids in Kenya to the first farmers in the Middle East, the West European cave painters, and the bog people of Scandinavia.

There is world-wide interest in any discoveries from South-East Asia and Australia, because they produce evidence of how humans adapted to very different circumstances, and especially how they coped with the Ice Age in the Southern Hemisphere. The remains enable scientists to study very early nutrition, health, stature, life expectancy and population density; how the earliest stone and wood technology developed, how seed plants were used, how communities were organised, and how religions began. As Professor John Mulvaney has remarked, very ancient remains at a distance of 400 or even 1,200 generations "assume a world significance, meaningful to persons of any race", and should be available to scientists from Europe, China, Canada or Latin America who are qualified to study them.<sup>4</sup>

So there is an obvious question: if material is to be "handed back" ----handed back to whom? The humans whose remains have been excavated in the past 70 years were the predecessors of modern Aborigines, but not necessarily the direct ancestors of any particular Aboriginal group. Hardly a single one of the famous archaeological sites in Australia was known to modern

Aborigines, much less venerated, before white archaeologists discovered them. The sites had been forgotten and deserted for as much as ten or twenty thousand years. Since that time there have been vast climatic and geographical changes. The retreat of the ice in the Southern Hemisphere, for example, caused sweeping population movements as the rising sea levels forced many coastal tribes into the interior, displacing and supplanting others; and there were renewed migrations from the north, with evidence of widespread warfare. The odds are astronomical against any present-day Aborigines in southern Australia having a close genetic affinity with the people who inhabited their regions 20,000 years earlier.

There has always been a sensible attitude towards the remains of the remote past in Europe, where every town and village is built over layer upon layer of graves and buried artefacts; it is recognised that important discoveries cannot belong exclusively to the people who happen to live in that area. In the case of the man whose body emerged from the ice in the Austrian Alps where it had been preserved for 5,000 years, nobody suggested that he could be studied only by Austrians. The residents of the Lascaux region in France could hardly insist on destroying the Aurignacian cave paintings to suit their present religious beliefs. Archaeology is in a more mature phase in Europe: the digs are not usually picketed by representatives of the Aurignacian community, or by lawyers acting for the Beaker Folk.

The question of reburial or destruction raises a fundamental point about scientific method. If material is preserved under good conditions, it becomes possible to take advantage of each new scientific technique as it appears. Carbon dating first became available in the 1950s; then, in turn, pollen analysis, dendrochronology, fluorine analysis, thermoluminescence, and improvements in palaeopathology; and, most recently, very advanced techniques for extracting DNA from bone and other human samples. Each advance allows the scientist to draw more secure inferences from the material, especially regarding health, disease, and family relationships among early humans.

It is absurd that one generation of activists ----who don't by any means represent unanimous Aboriginal opinion ----should claim the right to hide or destroy material that would be of immense value to future generations of Australians of all racial backgrounds. Some archaeologists have supported the rather desperate solution of establishing "keeping places" under Aboriginal control, where ancient Australian material can be preserved until there has been time to train Aboriginal scientists who would have the exclusive right to work on it. Despite the excellent intentions behind this, I can't help seeing it as a surrender to the Volkisch romanticism that was so influential in the early twentieth century and has reappeared in the crypto-discipline of Black Studies in the USA--the idea that certain fields of science should be reserved for members of a designated race, and that only the Folk can study the Folk.

In any case, the "keeping place" project has run into vehement opposition from the stricter zealots. This arises from a confluence of two streams of thought: the wave of indigenous militancy has coincided with the loss of cultural confidence on the part of a great many Western intellectuals which, in particular, has led many anthropologists to embrace an extreme kind of post-modern relativism.

Anthropologists, with some distinguished exceptions, have always been inclined to take an uncritical view of indigenous societies as models of ancient wisdom and profound spirituality, by contrast to what they see as the shallow materialism, scientism, and general inadequacy and wrongness of Western civilisation. Their distrust of the West, a *d,formation de metier*, has made anthropologists very receptive to the post-modern doctrine that it is time to abandon our search for objective truth and our reliance on scientific methods of enquiry.

In university social science departments it appears self-evident that statements are neither true nor false: each statement, each scientifically ascertained "fact", is no more than a hegemonic gesture shaped by gender and race. What matters is simply which hegemonic gesture is going to win. Science is a discourse of Western or Westernising males, a narrative which, as post-modernists say, must not be privileged over other narratives. The American anthropologist Tyler said in 1987 that his discipline was now in a post-scientific age: "scientific thought is now an archaic mode of consciousness surviving for a while yet in a degraded form".<sup>5</sup>

So, a geologist may have an explanation of how the Olga Ranges in Central Australia were formed; that is his narrative, but an indigenous story-teller will have another narrative for the same event. The first is hegemonic, colonialist, exploitative ---in a word, white; the second is authentic, non-white, perhaps ancient, and therefore ought to prevail. The role of the anthropologist is to be an advocate and a "facilitator" to allow the non-Western narrative to be heard, and to become the dominant discourse. The Hindmarsh Island enquiry heard two lapidary statements of post-modern doctrine earlier this month: from one anthropologist witness, "the truth is not a useful notion anthropologically"; and from another, "in cross-cultural exchanges truth cannot be defined".

To return, then, to the idea of training Aboriginal scientists, the activists are strongly influenced by current anthropological trends and are annoyed by any proposal that might appear to endorse Western scientific method. In the words of Ros Langford, "we are not sure that training Aborigines within a white value science is desirable".<sup>7</sup>

White archaeology has already produced a series of highly unwelcome narratives about successive migrations from the north, the shifting and replacement of populations over time, and evolutionary change taking place amongst the earliest inhabitants; and the more that scientific techniques improve, the more intensively the ancient remains are studied, the more unwelcome these findings are likely to become. They collide head-on with the creationist legend that Aborigines have always inhabited this continent and have preserved an unchanging culture. The president of the Victorian Koorie Information Centre said in 1990:

"Your archaeological theories about our origins are just hypotheses supported by very meagre evidence ... we believe we were created here, a belief supported by our religion (and) our history which goes back to the creation time ..."<sup>8</sup>

For much the same reason, there may be very little enthusiasm for preserving ancient remains for DNA testing to establish genetic affinities, even if the research is to be done by Aboriginal scientists. Archaeologists have said bitterly, although very quietly, that Aboriginal leaders have been quick to accept the fact of 40,000 years of human occupation, established by white archaeologists, because of its iconic political effect, but feel free to reject the science of archaeology itself, along with history and the entire "white concept of knowledge".<sup>9</sup>

The archaeologists find themselves almost in the position of Darwin after the publication of *The Origin of Species*, having to defend the results of scientific enquiry against the onslaught of zealous evangelicals. They can expect no help from the courts, which are at sea in this peculiar sphere of jurisprudence and rely heavily on the advice of anthropologists and radical lawyers; court decisions in the USA and Australia have gone overwhelmingly against the interests of archaeology.

This is the point, then, at which the intervention of governments could shape events one way or the other. Is it possible to envisage some future federal cabinet including a Minister for the Western Intellectual Tradition? (It could be a promotion for the present Minister for Aboriginal

Affairs.) We might imagine the Minister's office issuing an inaugural press statement, perhaps along the following lines:

"We are all, in our different ways, descended from people of the Ice Ages; but modern Australians are also the heirs of an old and very rich tradition of rational scientific enquiry, running from Aristotle, Euclid and Pythagoras to Newton, Descartes and Einstein; and from the builders of the Roman aqueducts to Brunel, Edison and Marie Curie.

"We agree that the benefits of modern medicine, sanitation, communications, transport and education should be shared fully with indigenous Australians; but the Western tradition is able to provide these benefits precisely because it has emancipated itself, after a long struggle, from superstitious explanations of cause and effect, from ignorance of history, and from religious taboos on whole areas of thought. With all its failures and uncertainties, it is based on scientific method, repeatable and verifiable experiment, an acceptance of the notion of falsifiability and the need to be persuaded by fresh evidence and, above all, on freedom of enquiry."

I don't suppose that we will ever read such a communique, from this utopian ministry. Both here and in North America, governments feel that they have to be seen to give way on the symbolic issue of indigenous culture, because of the need to conciliate the romantic left who are so influential in the universities, the schools, and the media. At the same time, they can't very well state the real theoretical basis for their symbolic retreat. The federal Government is not likely to set the parliamentary draughtsmen to work on a bill saying frankly:

"Be it enacted that science is a hegemonic male discourse which must not be privileged over the discourses, narratives and texts arising from indigenous cultures; and be it further enacted that archaeology is a colonialist act of cultural appropriation ..."

What, then, are governments to say? The legislative solution to this problem has been so ingenious and adroit that one can't help admiring it. Governments have simply agreed, or pretended, to accept that the entire question is not political at all but falls into the unassailable category of religious belief.

Looking at the legislative acts of particular relevance to the Hindmarsh Island and La Trobe affairs, the Aboriginal and Torres Strait Islanders Heritage Protection Act (1984) and the Heritage Protection Amendment Act (1987), which incorporate both Commonwealth and Victorian legislation; the South Australian Aboriginal Heritage Act (1988); and the Tasmanian Aboriginal Relics Act (1975), there is a clear progression in language from the 1975 Tasmanian Act which speaks of preserving relics from being damaged, destroyed or sold, to the Acts of the 1980s where the language becomes concerned with "religious significance", "spiritual affiliations", and preserving remains and relics from "desecration". The Shorter Oxford Dictionary defines "desecrate" as "to take away its sacred character from something: to treat as not sacred".

Having established that we are dealing not simply with historical arguments but with religion, the Commonwealth/Victorian and South Australian Acts go on to concede a whole series of tendentious and question-begging propositions. All statements by indigenous activists about the past, and about the control of the past, are treated as being in essence religious beliefs and therefore exempt from criticism or discussion.

The Acts blur the distinction between remains dating from the last 200 years, and extremely ancient remains uncovered by archaeologists. All remains are flatly "Aboriginal remains"; Aborigines who live in the vicinity and who claim "social, economic or spiritual affiliations with the site or object" are assumed, however implausibly, to have direct ancestral links and become the traditional custodians, with a right to have any excavated material "returned" to them.<sup>10</sup>

There is no obligation to prove a right to speak for the wishes of people who lived 10,000 or 20,000 years earlier. The 1987 Heritage Protection Amendment Act brushes aside all objections and reservations relating to Victoria, for example, with a firm declaration that "the Aboriginal people ... are the rightful owners of their heritage and should be given responsibility for its future control".<sup>11</sup>

Enthusiasts with a passionate sense of racial identity can confer sacredness on the non-human detritus of occupation by early humans, which may not have had any sacred character in the first place. The Tasmanian Act protects "any object ... that bears signs of the activities of the original inhabitants", and all the State and Commonwealth Acts lay down penalties of fines and imprisonment for disregarding the sacredness of ancient material. Mr Tickner announced recently that he was studying even tougher laws to strengthen "the protection of sites from desecration".

In effect, the Aboriginal Heritage Acts have established an official religion, composed of an amalgam of many regional traditions, all of them evolving and changing as traditions do; and at the same time they have revived the moribund offence of blasphemy for infringements of the officially endorsed beliefs.<sup>13</sup>

It has already been remarked, notably by Hugh Morgan, that no other religious beliefs enjoy this degree of protection. Governments may have to take notice of Christian or Islamic opinion on some matters, but the force of this opinion usually depends on voting strength; it is a long time since anyone has suggested that governments should legislate to give Catholic or Muslim theologians, for example, a legal right to veto some particular field of scientific research.

After the Racial Vilification Act it may become more difficult to argue against the extreme cultural relativism of the activists. But a more serious difficulty may arise from the idea of a special preamble to the Constitution recognising the ancient occupation of the Australian continent. This can be done in such a way as to promote reconciliation ----or in such a way as to postpone reconciliation indefinitely. There is an obvious danger that by embodying a racial division in the Constitution, and at the same time recognising its separate flag and separate legal status, we will make the division permanent; and in the light of the Hindmarsh Island and La Trobe affairs, there is the further possibility that a preamble to the Constitution might strengthen the impression that the two cultures are not only separate, but incompatible. That is something we should work to prevent.

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Endnotes :

1. Clement W. Meighan, The burial of American archaeology, *Academic Questions*, Summer 1993, vol.vi (3), 9-19.
2. *The Australian*, 4 October, 1995. Deprecating remarks about archaeology have come also from radical and feminist archaeologists: e.g. Sandra Bowdler, *Repainting Australian rock art*, *Antiquity*, lxii, 523.
3. Iain Davidson, Notes for a code of ethics ..., *Australian Archaeology*, No.xxxii, June, 1991.
4. DJ.Mulvaney, Reflections on the Murray Black collection, *Australian Natural History*, xxiii (1), Winter 1989.
5. Quoted by S.P.Reyna, Literary anthropology and the case against science, *Man*, N.S. xxix, 1994, 555. See also the important article by Adam Kuper, Culture, identity and the project of a cosmopolitan anthropology, in *ibid.*, 537-554.
6. Kuper, *op.cit.*, 542. Dr Deane Fergie was appointed as a "facilitator" with regard to the Hindmarsh Island women's secrets.

7. R.Langford, Our heritage, your playground, Australian Archaeology, No.xvi.
  8. Robbie Thorpe, quoted in Antiquity, lxx (1991), 19.
  9. Marcia Langton, quoted by D.J.Mulvaney, Museums, anthropologists and indigenous peoples, Bulletin of the Conference of Museum Anthropologists, xxiii, April, 1994, 6.
  10. S.A. Aboriginal Heritage Act (1988), definition of "traditional owner"; cf. Aboriginal and Torres Strait Islanders Heritage Protection Act (1984), sections 20-21.
  11. Discussed by Mulvaney in Antiquity, lxx (1991), 14.
  12. The Mercury, 21 October, 1995.
  13. Tasmanian Aboriginal Relics Act (1975): Definitions: 3 (b).
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