Was violence on the Australian frontier a ‘war’ and does such a definition make any difference?

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It seems difficult to argue that violence on the Australian frontier was not a ‘war’. On one side, career soldiers were bearing arms. On the other were men whose initiation as adults conferred on them warrior-status. On both sides, there were many instances of ‘organized and socially sanctioned violence’\(^1\). Both sides endeavoured to use violence to compel their opponent to do their will. At times there were linguistic semantics trotted out which claimed that a state of war could not exist against people who were also British subjects. At other times, martial law was declared in explicit proclamation that a state of war existed against the local indigenous peoples. The attempts by Keith Windschuttle and others to deny or downplay the extent of violence show that this distinction does make a difference: ‘it is about the character of the nation and ... the calibre of the civilization Britain brought to these shores in 1788.’\(^2\) An honest foundation for modern Australia lies upon the recognition of the methods taken by the now-mainstream cultural group to subordinate the original inhabitants. What that means in terms of action for indigenous groups is one of the great challenges yet to be addressed, but ‘if we are unable to incorporate the black experience into our national heritage we will stand exposed as a people still emotionally chained to our nineteenth century British origins, ever the transplanted Europeans.’\(^3\)

At about the time of the Black Line in Van Diemen’s Land, Clausewitz defined war as ‘an act of violence intended to compel our opponent to do our

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Was violence on the Australian frontier a 'war' and does such a definition make any difference?

... will.\textsuperscript{4} On this definition, it appears that both sides of frontier conflict engaged in war: the indigenous peoples engaged in generally small acts of violence against settlers or their property in order to make them go away. The British, likewise, used violence to move the Aborigines from the land in dispute. Both sides responded to an initiation with violence with retribution; as Herberg-Rothe points out, Clausewitz posited that 'war actually begins with defence not attack. Only when someone defends himself against the massive 'use of force' does a real fight and thus real wars arise.'\textsuperscript{5}

An earlier work by Hugo Grotius was more likely to influence colonial judgements on warfare. \textit{On the Laws of War and Peace} (1625) collated the prevailing ideas into a single treatise. He differentiated between the 'law of nature' (man's God-given sense of justice) and 'law of nations' (international law, agreed between nations, based on the law of nature) and from these principles defined rules for conducting war. Unlike many of his time, Grotius did not accept natural law as applicable only to Christians. If natural law derived from God, others argued, then there was no obligation to treat non-believers according to its moral code. Grotius, however, suggested that natural law applied to all rational and social beings, whether they believed in God or not. This particularly had implications to European imperialism and their treatment of indigenous populations: did they need to treat these peoples as 'nations' or with impunity?\textsuperscript{6}

\textsuperscript{5} Andreas Herberg-Rothe, 'Clausewitz and a general theory of war', \textit{Australian Defence Force Journal}, Issue 180, 2009, p. 56.
\textsuperscript{6} M.I. Carr, 'Rules of War', \textit{Australian Defence Force Journal}, Issue 8, Jan/Feb 1978, p. 34.
Was violence on the Australian frontier a ‘war’ and does such a definition make any difference?

The Australian experience tended to be the latter, but with some attempt at the former.

New South Wales started as a military settlement. Its first Governor was a Royal Navy captain, supported by Marines. According to his instructions, Arthur Phillip endeavoured to ‘live in amity and kindness’ with the indigenous locals. He had become frustrated with the ‘petty warfare and endless uncertainty’ of the Aboriginal guerrilla raids, although it was recognised even then that as long as the local Aborigines perceived the whites as ‘having dispossessed them of their residences they must always consider us enemies.’ But when his gamekeeper, McEntire, was speared in 1790, Phillip sent Lieutenant Watkin Tench on an (unsuccessful) expedition to not only capture the two offenders but kill ten others as a ‘severe example’ and to bring resistance to an end. Reynolds compares this retribution with what would be expected of a police investigation of a white man’s similar crime: it would be unthinkable that ten bystanders at the arrest would be summarily executed. Phillip ‘reacted like a military commander attempting to impose order among a subject population’ but that the Aborigines were treated more like ‘enemies of the state’. His use of ‘disproportionate violence … to crush resistance … may have been petty warfare, but it was warfare just the same.’

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8 Lt David Collins, in Henry Reynolds, *Forgotten War*, UNSW, Sydney, 2013, pp. 54-5; Macintyre, p. 32.
10 Reynolds, *Forgotten War*, p. 57.
Was violence on the Australian frontier a ‘war’ and does such a definition make any difference?

Warfare was a normal part of pre-contact life for Aboriginal groups. While it took a different form from the European concept of war, Connor argues that it was both limited and universal.\textsuperscript{11} It was universal in that all members of the community were participants: boys were taught with toy spears and clubs until they were initiated as warriors; women were sometimes combatants, more often victims, and regularly spectators.\textsuperscript{12} Group survival necessitated that battles were short in duration and small in casualties. Only a few deaths meant a loss of a high percentage of the male population.\textsuperscript{13} Other types of indigenous warfare, suggests Connors, included ritual justice, raids for women and revenge attacks. It was sometimes difficult for the Europeans to determine the difference between justice and revenge: Shellam describes the spearing of a white prisoner in Western Australia. Where it initially appeared as an unprovoked attack, when later hearing of the brutal actions of sealers on the community some months earlier, Major Lockyer assumed the spearing to be a revenge attack whereas Shellam suggests that the ordered manner in which it played out, and the spearing of the body away from vital organs, indicates this was the imposition of King Ya-nup justice.\textsuperscript{14}

Perhaps most damningly, Connor presents a map and table of ‘British Army Operations, 1788-1838’ compiled from three books on the British Army, including campaigns in NSW and Tasmania.\textsuperscript{15} Wilcox makes use of Henry Reynolds’ estimates of 20,000 black and 2,000 white dead and points out that it

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\item\textsuperscript{11} John Connor, \textit{The Australian Frontier Wars}, UNSW, Sydney, 2013, pp.1-3.
\item\textsuperscript{12} \textit{Ibid.}, p. 3.
\item\textsuperscript{13} \textit{Ibid.}
\item\textsuperscript{14} Tiffany Shellam, \textit{Shaking hands on the fringe: negotiating the Aboriginal world at King George’s Sound}, UWA Press, 2009, pp. 85-102.
\item\textsuperscript{15} Connor, \textit{Australian Frontier Wars}, pp. 8-10.
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Was violence on the Australian frontier a ‘war’ and does such a definition make any difference?

is about equivalent to AIF losses in 1917 and averages 200 Australian deaths per year; more than any year in Vietnam.\textsuperscript{16}

The most acceptable argument against understanding the frontier as ‘war’ comes through linguistic semantics: with the claiming of Australia, all Aboriginal people became Crown subjects and therefore it is impossible to wage war against them. The other, well publicised account, comes from Keith Windschuttle, who attempts to discredit the work of historians who had researched white-black conflict and presented their findings in the last two decades of the twentieth century.

During the early years of European settlement there was definitely an understanding of the Aborigines as ‘other’, but by the establishment of Adelaide there was an official recognition of Aboriginal people as British subjects. This gave them the protection of the law: technically. ‘Necessity required violence be employed to dispossess them of their land’ but this would be couched in terms of policing, ‘official procedure’ and ‘the rule of law’ but still ended in dead tribesmen.\textsuperscript{17} Foster’s article looks at the use of euphemism and linguistic precision: by assuming all of Australia to be Crown land, its inhabitants (including Aboriginal people) become British subjects, and therefore war cannot be declared or waged against them. It takes no account of Aboriginal people as having their own sovereign rights, whether through ‘natural law’ or as expressed


\textsuperscript{17} Robert Foster, ‘Don’t mention the war’, \textit{History Australia}, Vol. 6, No. 3, December 2009, pp. 68.1-68.4.
in their resistance to white expansion. Foster describes the siege of Port Lincoln in 1842, the violence against local Aboriginals, their response and the arrest and hanging of Ngarbi for murder: ‘It was not in the interests of settlers nor government to characterise the violence of the frontier as warfare.’ To do so would be to acknowledge Aboriginal possession and bring into question the sovereignty of the Crown over Australia.

And yet not that much earlier, Governor Arthur declared martial law in Tasmania in 1830, in effect declaring the Aborigines as enemies of the King and in a state of warfare against him. It legalised the killing of any Aboriginal. Arthur’s instructions derived from Lord Bathurst, Colonial Secretary, to ‘oppose force by force’, and that any aggression from indigenous groups be treated as if they came from an ‘accredited State’. Reynolds suggests this brought the law into sync with the reality: while legally Aborigines had been ‘equal in law’ to whites, violence and death against them was rarely investigated or punished. Before the infamous ‘Black Line’ of 1830 (an unsuccessful sweep of the island by 2200-3000 troops, police and volunteers) Government Notice 166 prohibited any action against the ‘inoffensive tribes’ but that the settlers were not expected to wait to be attacked by ‘rancorous’ tribes; these are to be captured or driven beyond the settlements ‘by every possible means’. Lack of space precludes mention of many other examples, particularly in the second half of the nineteenth century in Queensland. Worth mentioning, however, is Grey’s rejection of the frontier wars as ‘massacres’ as these terms misrepresent the

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18 Ibid., p. 68.3-68.4.  
19 Reynolds, Forgotten War, p. 60-63  
Was violence on the Australian frontier a ‘war’ and does such a definition make any difference?

I will quickly protest his summary dismissal of ‘an official policy of genocide’ through reference to the Genocide Convention which includes ‘the intent to destroy, in whole or in part’ a racial group, through killing, changing living conditions or removal of children. The ‘Black Line’ and ‘any possible means’ suggests ‘the intent to destroy’ by ‘official policy’.

Keith Windschuttle claims that not only are accusations of massacre an exaggeration of the conflict but that the idea of a frontier war is ‘fictional’. He decries the use of ‘genocide’ and the politicisation of frontier war. He argues that as only the British were conducting military operations during the ‘Black War’ then it does not classify as ‘warfare’. Windschuttle’s work was roundly criticised as non-systematic, full of errors and ideological. Short of dedicating years to a self-study, the prudent course seems to go with the majority of historians who have spent years researching this.

There will always be an ‘us and them’ in Australian society for as long as we teach ‘us and them’ Australian History. In the latest national curriculum scope and sequence for History, ‘Aboriginal’ is not mentioned at all for study by Years 7-10 secondary students. This is surely a step backwards from Stage 4’s

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23 Windschuttle, p. 3.
25 Ibid., p. 196-198.
26 See chapters by Manne, Boyce and Breen in Robert Manne, Whitewash, Black Inc. Agenda, Melbourne, 2003
Was violence on the Australian frontier a ‘war’ and does such a definition make any difference?

‘Aboriginal and Indigenous Peoples, Colonisation and Contact History’ and
‘Changing Rights and Freedoms’ in Stage 5 in the 2003 syllabus. It suggests a
victory for the Windschuttle camp despite the overwhelming evidence, and the
impact of politics on national history. Reynolds concludes The Other Side of the
Frontier with a comparison between Aboriginal deaths from conflict and white
Australian ‘war heroes’. The Aboriginal fallen have much in common with
twentieth century ‘diggers’ of school history: underdogs, fighting for their
country, brave in the face of overwhelming odds and more powerful enemy.
More significantly, Reynolds argues, they died on Australian soil, not on the other
side of the world fighting for a now ‘gone’ Mother England and its Empire.

Perhaps we must go back to the perceptive Lt David Collins, writing in
1798, that ‘while they entertained the idea of our having disposed them of their
residences, they must always consider us as enemies.’ Two hundred years
later, Henry Reynolds echoed this: ‘In the long run, black Australians will be our
equals or our enemies.’ The war cannot be considered at an end, Clausewitz
wrote, ‘as long as the will of the people is not subdued.’ Yet while it is unlikely
that an Aboriginal Revolution will break out in Australia, ‘every War does not
carry in itself the elements for a complete decision and final settlement’ – one
hundred and fifty years later, Australia is yet to seriously try to work this out.

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30 Reynolds, Forgotten War, pp. 54-55.

31 Henry Reynolds, Frontier, p. 200.

32 Clausewitz, Ch. II.
Was violence on the Australian frontier a 'war' and does such a definition make any difference?

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Was violence on the Australian frontier a ‘war’ and does such a definition make any difference?


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