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Untold Suffering?  Motherhood and the Stolen
Generations

Anne Maree Payne
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# Certificate of original authorship

I certify that the work in this thesis has not previously been submitted for a degree nor has it been submitted as part of requirements for a degree except as fully acknowledged within the text.

I also certify that the thesis has been written by me. Any help that I have received in my research work and the preparation of the thesis itself has been acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

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For my Mum.

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## Abstract

The removal of Aboriginal and Torres Strait Islander children from their families gained national attention in Australia following the publication of the *Bringing Them Home* Report by the Human Rights and Equal Opportunity Commission. Notably absent from this Report, however, were first hand accounts of the experiences of Indigenous parents, and in particular mothers, who were frequently the primary carers or sole parents of removed Indigenous children.  Drawing primarily on interviews held in the *Bringing Them Home* Oral History Collection of the National Library of Australia, my research considers the impact of women's status as mothers on their likelihood of reporting their experiences of human rights violations, through in-depth consideration of the mothers of the Stolen Generations.

While some of the findings of the *BTH* Inquiry have been contested, there was widespread consensus in the community in the wake of the Inquiry that the removals constituted a violation of the rights of Indigenous children, who had suffered considerable harms as a result of their removal.  However, the issue of whether the removal of these children was also a violation of the rights of their parents has not been a major focus.  The Inquiry noted the lack of testimony by Indigenous parents, attributing it to the impact of trauma and the unwillingness of surviving parents to speak about their experiences due to their overwhelming sense of guilt and despair; a submission by Link-Up NSW commented on Aboriginal mothers being "unwilling and unable to speak about the immense pain, grief and anguish that losing their children had caused them" (HREOC 1997, p. 212).

Viewing motherhood as a key site of the intersection of gender, race and state policy, my research identifies some of the significant structural disadvantages facing Aboriginal mothers in the Stolen Generations era, including legal inequalities in guardianship status and other parental rights, discrimination in their access to social security benefits, and the impact of state intervention and surveillance.  My research highlights the differing perspectives on the reasons for the removal of Indigenous children held by Aboriginal mothers, those who were removed as children, and people involved in the removal process.  A number of key factors emerge from my research that contribute to our understanding of Aboriginal mothers' ongoing silence throughout the Inquiry process and beyond, and that have wider implications for the identification and investigation of violations of the human rights of mothers.

# Introduction

> In preparing this submission we found that Aboriginal women were unwilling and unable to speak about the immense pain, grief and anguish that losing their children had caused them.  That pain was so strong that we were unable to find a mother who had healed enough to be able to speak, and to share her experience with us and with the Commission…
> Submission by Link-Up NSW, *Bringing Them Home* Inquiry
> (HREOC 1997, p. 212)

> There is something terribly primal about these first-hand accounts [of child removal], the pain is searing, it screams from the pages, the hurt, the humiliation, the degradation and the sheer brutality of the act of physically separating a mother from her children is a deep assault on our senses and on our most elemental humanity*.*
> Kevin Rudd, *Apology to Australia's Indigenous Peoples*
> (Rudd 2008)

> If a community values its children it must cherish their parents.
> John Bowlby, *Maternal Care and Mental Health*
> (Bowlby 1952, p. 84)

Issues relating to motherhood and human rights have featured prominently in the public domain in Australia throughout the time I have spent researching and writing this dissertation.  Items making headlines have included Prime Minister Julia Gillard's national apology to those who experienced forced adoptions, which acknowledged that birth mothers had been denied their "fundamental rights and responsibilities to love and care" for their children (Gillard 2013).  During 2014, mothers held in immigration detention on Christmas Island were reportedly threatening themselves with self-harm due to their severe depression caused by

poor conditions and the lack of adequate facilities for their children (AHRC 2014; Refugee Action Coalition Sydney 2014; Triggs 2014), with one politician claiming "Mothers [are] contemplating harming themselves, sacrificing their own lives in desperation of giving their children a future" (Hanson-Young, quoted in Barlow 2014). The Australian Human Rights Commission released its *Forgotten Children* Report in early 2015 to a storm of controversy; findings included the detrimental impact of immigration detention on mother-child bonding, and the effect of parental stress on the wellbeing of young children (AHRC November 2014, p. 102).

Meanwhile, the Grandmothers Against Removals group was formed in Gunnedah in 2014 to address the "national scandal" of highly increased levels of Indigenous child removals (Behrendt 2014), and a new group, the National Aboriginal Strategic Alliance to Bring the Children Home, emerged with the stated aim "to call for a national people's movement that can build the grass-roots pressure to stop the ongoing Stolen Generations and fight the systemic disadvantage facing our people" (NASA 2014). In 2015, a young Somalian asylum seeker featured prominently in the news when she was flown to Sydney to have an abortion after allegedly being raped in immigration detention in Nauru; conflicting reports emerged about whether or not she was given appropriate time to make a decision about terminating her pregnancy before she was returned – still pregnant - to Nauru, where abortion is illegal (Norman & Anderson 2015). Immigration Minister Peter Dutton accused a group of pregnant refugees on Nauru of "running a racket" to play on public sympathy for their plight to be granted asylum in Australia (Norman and Anderson 2015). This issue re-emerged in February 2016, when the police opened an investigation into allegations that the mother of a baby injured while in immigration detention in Nauru had deliberately harmed the baby to gain "back door" entry into Australia when the family was transferred to the Australian mainland for the baby to receive medical treatment. The child protection notification file was closed without charges being laid, and the alleged conduct of the baby's mother, depicted as either villainously harming her helpless one–year-old for selfish ends, or heroically caring for her child in the challenging environment of immigration detention, became the focus of further political point-scoring (Davidson & Doherty 2016).

It is within this context of ongoing debates about motherhood and the rights and responsibilities of mothers to care for their children that I have undertaken my research, which explores issues of motherhood in relation to the history of the Stolen Generations in Australia.

Ideas about motherhood are central to my thesis.  There is a biological component to motherhood - although not all people who define themselves as mothers give birth, and not all women who give birth get to mother.  However central to my thesis is my belief that ideas about and perceptions of motherhood are socially constructed – that is, they are not biologically determined and immutable but evolve and change over time and, importantly, reflect the realities of power.  What does it mean to be a "good" mother; whose motherhood is supported and valued and whose is restricted; who is judged to have the capacity to mother? – all of these issues are explored through my research focusing on the case of the mothers of the Stolen Generations.  My thesis also explores how ideas about motherhood have been articulated in human rights legislation and represented in human rights inquiries, impacting on the ways mothers participate in human rights processes; the type of testimony from mothers that is enabled and disabled; when they can speak and when they might be silenced, chose to remain silent, or be unable to be heard.

The ideal of the all-sacrificing mother who places her child's needs before her own has endured over the centuries despite massive changes to women's legal, political, economic and social status over the same period.  Indeed, some theorists would argue that with the emergence of the concept of the "nurturing mother" from the 1950s, the standards by which women's mothering work is judged are far higher than they have ever been and the "work" of mothering is obscured (Walkerdine & Lucey 1989, pp. 64-65) .  Mothers who are seen to fail to subsume their own needs or to fail in their responsibilities of care for their children are subject to harsh judgement by society.  At the same time, the role of the state in policing the family, and the role of race, class and other social differences in

society's judgements about motherhood, are rarely acknowledged or challenged in community debates about motherhood.

The picture emerging from my research on the experiences of mothers of the Stolen Generations is that of Aboriginal[1] mothers making complex and difficult choices which were context-specific, and which were often based on what they saw as being in the best interests of those for whom they had a relationship of care, within the severely constrained options available to them. My research does not aim to heroicise these mothers, but focuses rather on understanding how social expectations about motherhood shape the choices mothers make, and their capacity to speak about their experiences, particularly in the context of human rights inquiries.

### What does it mean to be a mother?

"Mother" is of course both a noun and a verb; as a noun, "mother" is defined as "a woman in relation to a child or children to whom she has given birth"; whereas "to mother" as a verb has a much broader meaning, encompassing both "to give birth to" as well as the act of bringing up a child with care and affection, a relationship that is not necessarily linked to the biological act of giving birth. "Mothering" is also defined as "looking after someone kindly and protectively, sometimes excessively so".[2]

One can give birth to but not "mother" a child or children, in the sense of providing care and nurturing; one can "mother" or be "mothering" without the biological act of giving birth. Not all mothers are "mothering"; as one of my research participant observes, "Because a woman's a mother it doesn't mean to say she's full of maternal love. Some women just don't seem to have much" (Female, SA, NLA TRC 5000/222, p. 32).

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[1] For an explanation of my use of the terms "Aboriginal" and "Indigenous" please refer to the Terminology section of the Methodology Chapter.

[2] These results come up in a pop-up definition box on Google if you search the term "what is a mother?"

The difficulties of rebuilding broken relationships experienced by people separated from their biological families highlights that motherhood is not a biological given but is a relationship based on lived experiences of care; as a number of my research participants experience, being reunited with your mother does not automatically lead to having a close and loving relationship with her. However, white foster and adoptive mothers of Indigenous children, who took on the role of "mothering" removed children, are frequently described by my research participants as very problematic figures in their lives – unable to bond with the children under their care, jealous and threatened by the child's eventual search for their birth family and cultural identity.

## Why mothers?

The focus of my research is on Aboriginal mothers and not on Aboriginal parents, for a range of reasons. In the Stolen Generations era, Aboriginal women were frequently heads of household and the sole parents of children, due to a range of reasons including the absence of their partners because of the nature of their itinerant labour patterns, unemployment, imprisonment or the impact of social security regulations (Pettman1992, pp. 65-66); or because in the case of white partners of Aboriginal women, many did not live with the family. For children living in two-parent families, the absence of the father was often seen as an opportunity or a trigger for state intervention; a number of my research participants identify removals happening when the father was away from home. However, in the majority of the families described in the transcripts I analysed for my research (54%), the father did not live with the family and at the time the child removal took place the mother was a single parent.

I acknowledge that the exclusion of Aboriginal fathers from my research runs the risk of further marginalising an already highly marginalised group. My purpose in focusing on the experiences of Aboriginal mothers is not to denigrate or deny the very real love and care provided by many Aboriginal fathers, or to dismiss the need for further research into the role of both Aboriginal and non-Aboriginal fathers of Stolen Generations children; however this is not the focus of my research. An overwhelming number of my Indigenous research participants (in fact all except

two), had an Aboriginal mother; a significant number (36%) had a white or non-Indigenous father, and 8% of research participants either did not know or did not identify who their father was. These data reflect the social values of the time; relationships across racial lines were socially taboo (and subject at times to legal sanction under Aboriginal Protection legislation), however relationships did take place between white men and Indigenous women, whereas relationships between Indigenous men and white women were rare.

## Motherhood and human rights

My research focuses on identifying the reasons for the enduring silence by the mothers of the Stolen Generations; on considering what might be the consequences of their silence within a human rights framework that requires victims to testify in order to receive recognition and reparation; and in reflecting on the successes and limitations of human rights processes in ensuring that mothers can speak about human rights violations they have experienced. My research raises broad questions about the participation of mothers in human rights processes more generally, and explores whether there are specific constraints on mothers speaking about human rights violations. Testifying about injury or violation tends to be viewed by many within the human rights community as cathartic and healing, and is an essential part of any human rights investigation - but is "speaking out" always desirable and positive, or are there circumstances in which silence is the best or only option, particularly for mothers, who have a lot at stake in "speaking out"?

My research is the first academic study to focus in detail on the experiences of the mothers of the Stolen Generations. I explore parallels and differences in the experiences of these women with other cases involving the removal of children from their mothers' care. I believe that the case of the mothers of the Stolen Generations highlights how women's experiences of human rights violations - particularly the experiences of mothers – can be silenced, even within human rights-based inquiries and processes.

My research investigates the reasons for the lack of participation of Aboriginal mothers in the *Bringing Them Home* (BTH) Inquiry, and the reasons for their enduring silence about their experiences of child removal – whether due to their structural exclusion from the Inquiry process, the difficulty of finding a position from which they were willing and able to speak, as a form of resistance to yet another intrusion by white authorities into their lives, or because some stories are too painful to be spoken.

I believe that my research contributes to our knowledge and understanding of the Stolen Generations era. Accounts from the mothers of removed children go to the very heart of key issues in the contested "history" of the Stolen Generations: to what extent did parents "consent" to the removal of their children, what were the circumstances in which children were removed, what "choices" were indeed open to Aboriginal mothers who were in many cases young single parents living in poverty, required to work to support themselves, and denied the social security support and legal protections provided to non-Indigenous parents?

My research is based on my analysis of 134 oral history interviews, 130 of which were drawn from the National Library of Australia's *Bringing Them Home Oral History Collection*, and four of which I undertook myself. I have also drawn on the autobiographical writings of Aboriginal women, with particular reference to accounts written by mothers and/or involving experiences of child removal. In addition, I have considered accounts of child removal and mothers' experiences from other sources, including the *Bringing Them Home* (*BTH*) Report (HREOC 1997) and related anthologies, and oral history collections that contain accounts of child removal.

My aim is not to idealise or romanticise Aboriginal mothers, and I am not arguing that all child removals in the Stolen Generations era would have been completely unwarranted on child welfare grounds. However, my research highlights that perceptions of Aboriginal women as "bad" or neglectful mothers were central to the justification of child removal policies, and even today such perceptions remain the foundation of the argument that children were removed "for their own good".

Although drawn from qualitative data about the experiences of individual Indigenous and non-Indigenous research participants, my research also seeks to identify the structural reasons why Aboriginal mothers were disadvantaged vis-à-vis white mothers, and to explore how ongoing negative perceptions of Aboriginal mothers have shaped Australian child welfare policy and practices, arguably continuing to this day.

## Background to the Stolen Generations

Central to my thesis is my argument that practices of Aboriginal child removal and the experiences and choices of Aboriginal mothers during the Stolen Generations era are far more complex than the types of situations the term "Stolen Generations" is typically seen to encompass. I have defined the era of the Stolen Generations as beginning with the passage of state-based Aboriginal "Protection" legislation in the late nineteenth and early twentieth centuries, which provided the legal basis for limiting Aboriginal parental rights and put in place discriminatory processes for the removal of Aboriginal children; and ending with the repeal of the remaining aspects of this legislation in 1969 (AHRC undated (a)).

From the accounts of my research participants, it is clear that the archetypal Stolen Generations experience is seen by many to involve Aboriginal children being "snatched", literally from their mothers' arms. I would argue that there was a much wider range of child removal policies and practices than this archetype suggests, including structural barriers such as inequities in Aboriginal mothers' status as the legal guardians of their children, the lack of access to social security benefits readily available to most other Australian mothers, the requirement for Aboriginal mothers to return to work irrespective of their carers' responsibilities, and heightened state surveillance of and intervention in Indigenous families. When we consider this much broader conceptualisation of Aboriginal child removal practices, the distinction between "forcible" and so-called "consensual" removals becomes murky, as it is difficult to meaningfully define consent in the situations that many Aboriginal mothers found themselves in.

It is important to remember that child removal policies and practices differed from state-to-state; there was not a uniform Australia-wide approach to this issue. Prior to federation each of the colonies was effectively a separate state body, and subsequent to federation the federal government was explicitly precluded from legislating for Indigenous Australians by Section 51 (xxvi) of the Constitution[3] (Markus 1995, p. 239), so it is quite difficult to construct a coherent picture of the different policies and practices being implemented in each state and territory, and it would be difficult to argue that there was a truly "national" approach to Indigenous issues prior to 1967. There were significant differences in the approach to child removal in different states and at different times; several different phases in child removal policy have been identified, including the colonial era, the era of "protection" and segregation, the era of "merging" and "absorption", and the era of assimilation (HREOC 1997, pp. 27-33). Tasmania "did not acknowledge that it still had an Aboriginal population" after its efforts to massacre Tasmanian Aborigines in the nineteenth century (Brock 1995, p. 136; see also HREOC 1997, p. 29), and therefore did not develop separate laws and policies targeting Aboriginal children. In Victoria, Aboriginal children were removed to "mainstream" child welfare institutions (although without the need for a court process), and a separate Aboriginal "welfare" administration did not develop (Swain 2014, p. 17). From the early twentieth century in NSW, many Aboriginal children were institutionalised in "training institutions" developed specifically to accommodate Aboriginal children. In South Australia as in a number of other states with large Aboriginal populations, a state "Protector" was appointed as the legal guardian of all Aboriginal children and had sole decision-making power to remove children for training or to determine if they were "neglected" (Swain 2014, p. 19). In Queensland, segregation on missions rather than assimilation remained a strong focus. The Northern Territory and West Australia were home to by far the largest numbers of "full-blood" Aborigines living a "traditional" lifestyle, and these states were the major proponents of schemes designed to "breed out the colour" of their Aboriginal populations (Manne 2004, pp. 227-228). The eastern states

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[3] I was curious to know why people of "the aboriginal race" had been excluded from the "race power" of the Commonwealth by the founders of Australia, but apparently there was no discussion of the implications of the exclusion of Aboriginal people from the scope of Section 51 (xxvi) at the time the Constitution was drafted (Commonwealth of Australia 2012 (b)).

dismantled their "protectionist" legislation much earlier than did Western Australia, the Northern Territory, South Australia and Queensland, which continued to operate a separate legislative and administrative regime for Indigenous peoples into the 1950s and 1960s (HREOC 1997, p. 250). However, while state policies and practices differed, it is possible to identify that "similar attitudes influenced legislators throughout Australia to pass laws marginalising Aboriginal people" (Brock 1995, p. 136).

It has been argued that the removal of Aboriginal children was not racially-based, and that all Australian children (and indeed child migrants) during the concomitant time periods underwent similar experiences. Similarly it is argued that there are parallels between the experience of Aboriginal mothers and, for instance, young white mothers forced to relinquish their children for adoption. However, one key difference between the experiences of Aboriginal and non-Aboriginal mothers and children is race. There has been extensive debate within the community on the genocide findings of the *BTH* Inquiry, its most controversial and disputed finding, and ongoing attacks by the Right on claims that children were removed solely on the basis of their Aboriginality (see, for example, Bolt 2014). The findings of my research support the contention that ideas about race were central to Aboriginal child removal, and that race was the aspect that substantively distinguished the removal of Aboriginal children from that of other non-Aboriginal children. However, the evidence from my research participants suggests that it was the children's status of being "part-white" that often led to their increased likelihood of removal. It is important to emphasise that this is no less a racially-motivated basis for removal, based on the white community's abhorrence that "near-white" children might grow up in the poverty and "abject squalor" that "full-blood" Aboriginal people were living in on a daily basis. There are several accounts by my research participants relating the experiences of Aboriginal families from whom "half-caste" children were removed, but "full-blood" children were not, indicating that child removals cannot have been based solely on concerns about child neglect or abuse or perceptions of poor parenting: if this were the case, why were some children left behind?

## Structure of this thesis

In Chapter 1 I explore the concept of motherhood in the academic literature, with a particular focus on feminist critiques of motherhood, motherhood and human rights, and motherhood as a key site of the intersection of race and gender. Chapter 2 outlines the methodological approaches I have taken in my research, and provides a detailed overview of the research data on which my study is based. In Chapter 3 I identify the key systemic and structural issues impacting on Aboriginal mothers, including discriminatory legislation, inequitable access to social security benefits, the impact of work requirements on Aboriginal mothers' carer responsibilities, and heightened surveillance of and intervention in Indigenous families. Chapter 4 contrasts perceptions of Indigenous and white research participants about the factors contributing to the removal of Indigenous children in the Stolen Generations era, and highlights how negative perceptions of Aboriginal mothers were used in the past and continue to be used today to justify these removals. In Chapter 5 I focus on the factors contributing to the ongoing silence of Aboriginal mothers about their experiences in the Stolen Generations era. Going beyond this silence, in Chapter 6 I discuss my research findings about the experiences of some Aboriginal mothers of Stolen Generations children; I emphasise their agency and their attempts, not always successful, to negotiate the best possible outcomes for their children, in circumstances where their options were severely constrained.

While some may argue that the removal of Indigenous children was based on what was perceived to be in the best interests of the child, it is never possible to argue that such removals were in the best interests of their parents, whose subsequent lives often bear stark witness to the trail of destruction and trauma wreaked by the loss of their children.

Issues of motherhood are at the very heart of Stolen Generations policies and practices. Concerns about the prospective motherhood of Aboriginal girls and racially-based fears about miscegenation were integral to child removals in many states (Goodall 1990, Manne 2004). Characterisations of Aboriginal women as "negligent and corrupting mothers" were used to justify the removals (Goodall

1995, p. 98).  Returning to "Mother" was the embodiment of coming home for many Indigenous people who were removed as children; "A number of witnesses told the Inquiry of their feeling of being 'at home at last' when they finally met their birth parent, usually their mother" (HREOC 1997, p. 235).  As I will argue throughout this thesis, the untold suffering of the mothers of the Stolen Generations is crucial to our understanding of this era of Australia's history, and its ongoing impacts on Indigenous families today.

# Chapter 1: 'Contested terrain': Motherhood in the academic literature

Motherhood has long been the focus of theorists from an array of disciplines. Maternity has been described as "contested terrain", a battleground on which many ideological and political battles have been waged (Greenfield 1999, p. 8) - with much at stake for the winners and losers. In this chapter I will provide an overview of some key debates in the academic literature in relation to motherhood, addressing ideas about motherhood as it has been conceptualised in relation to feminism, race, human rights, and silence. These are the key academic debates which my research is located within and contributes to.

Central to my thesis is the understanding that motherhood is not a natural state but rather is a social construction, something that is specific to time, place and cultural context, and that reflects the realities of power. Ideas about motherhood and what makes a "good" mother have changed over time. Historians have identified that the ideal of the "tender" mother first emerged in the eighteenth century, when women's social purpose was for the first time "defined in terms of the bearing, nurturing, and educating of children" (Greenfield 1999, p. 1). From the late eighteenth century motherhood first became the focus of state regulation, as maternity began to be associated with "problems of infanticide, population control, poverty, and colonial, national and racial instability" (Greenfield 1999, pp. vii-viii); this was the beginning of "the damaging ways" in which the institution of motherhood was to be used and regulated by the state (Greenfield 1999, p. 3). The idea of the full-time mother, whose role was focused almost exclusively on nurturing and maximising the potential of her children, is an even more recent twentieth century construct (Lewis 1980, p. 225); and as I have highlighted in a number of contemporary examples in the Introduction, ideas about motherhood and what makes a "good" mother remain contested terrain to this day.

## Motherhood and feminism

Despite the experience of motherhood being a major and life-changing feature of many women's lives, feminism has often had an uneasy relationship with

motherhood.  Women's reproductive and child-rearing roles have been an ongoing source of controversy and debate within the feminist movement, with some feminist theorists viewing women's biological capacity to bear children as integral to women's identity, while others have seen women's mothering roles - in particular their primary responsibilities for the care of children - as major contributors to women's subordination.  Women whose identity is centred around their mothering role have often felt defensive about feminist views of mothering, but as one of my research participants who works as an advocate for birth mothers commented "…there's nothing unfeminist about protecting the rights to your womb and your children" (Female, NSW, UTS Transcript RP4, p. 32).  While I do not have space here to provide a detailed overview of all the debates within feminism about motherhood over several centuries and several waves of feminist thought and activism, in this section I have focused on some of the key theorists and concepts of motherhood that are most relevant to my thesis.

### Colonising motherhood: the impact of white maternalism

Early feminists used "maternalism" as a justification for women's political participation, arguing that women's role as mothers made them uniquely qualified to contribute to public life.  Women's status as mothers was for these "first wave" feminists an important part of the justification for women's claims to citizenship; but not all motherhood was equally valued.

In the Australian context, historians have documented efforts by white feminists throughout the first half of the twentieth century in relation to the "uplift" of Aboriginal families.  The problematic and "maternalistic" nature of many of these interventions is apparent, such as the lack of recognition of Aboriginal people's right to self-determination, and the infantilisation of Aboriginal people, who were seen by white feminists as inarticulate and incapable of speaking for themselves, and thus in need of white women to champion their cause.  In relation to Aboriginal motherhood and child removal policies, some historians have argued that there was a dialectic relationship between white women maternalists' claims to moral authority and citizenship rights during this era, and their role in the oppression of Aboriginal women.  Jacobs highlights "the paradox of white women

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upholding motherhood as a sacred institution while simultaneously supporting the sundering of these bonds between indigenous women and their children" (Jacobs 2009, pp. xxix-xxx).  She argues that these white women activists, along with anthropologists and missionaries, were "most responsible" for pathologising Indigenous women (Jacobs 2009, p. 107), and were actively involved in supporting and promoting the removal and institutionalisation of Indigenous children (Jacobs 2009, p. 131).

In contrast, other historians have written about the efforts of some white women activists, such as Mary Bennett and Bessie Rischsbieth, who argued passionately in the 1920s and 1930s against Aboriginal child removal (Paisley 1995 and 1999).  Lake has highlighted the contribution of white women's groups to the 1934 *Royal Commission to Investigate, Report and Advise upon matters in relation to the Condition and Treatment of Aborigines* (the Moseley Report), arguing that most submissions made by women's groups recognised "the injustice and pain inflicted on Aboriginal communities by policies of child removal" (Lake 1999, p. 126).  Lake has also drawn attention to the recommendations within the Australian Women's Charter 1946-1949, calling for the equalisation of Aboriginal parental rights with those of non-Aboriginal parents (Lake 1999, pp. 195-196).  Paisley notes that white Australian women were also subject to racially based population policies; in their case they were castigated for their selfishness in causing the declining white birth rate, and in their role as "mothers of the race" they were encouraged to reproduce to fulfil their national and imperial responsibilities (Paisley 1995, pp. 252-253).

A number of feminist scholars have emphasised the relationship between race, motherhood and imperialism, highlighting the failure of early white feminists to question the imperial agenda (Mills 1994, pp. 46-47), or to challenge the distinctions being made between "primitive" and "civilised" womanhood (Holland 1995, p. 56).  Even outspoken critics of Aboriginal child removal such as Bennett were ultimately proponents of a more "humane" approach to assimilation rather than critics of imperialism per se, and despite the prominence of Aboriginal women on Aboriginal-led campaigns for rights and justice from the 1920s (Goodall

1995, p. 75), white feminist groups did not directly support the work of these Aboriginal women activists (Paisley 1995, p. 268), preferring instead to speak "on behalf" of Aboriginal women.  Feminist theorists have tended to dismiss campaigns based on women's role as mothers as innately conservative and limited, and for Jacobs, the failure of white women activists to have real empathy with the plight of Indigenous mothers is indicative of the limitations of maternalism:

> Maternalism – a political movement founded on the sanctity of motherhood – became a central mode in which white middle class women became ensnared in the colonial enterprise. (Jacobs 2009, p. 424)

## Motherhood as oppression

The politics of maternalism were strongly rejected by "second wave" feminist theorists from the 1970s, who rejected biological determinism, theorised about the separation of "sex" and "gender", viewed gender as a social construction and therefore something that could be changed, and campaigned to broaden out the roles that women could play in society, a campaign that often included the explicit rejection of motherhood as the ultimate fulfilment of women's lives.  Rather than basing their claims for equality on women's "special status" as mothers, some second wave feminist theorists positioned motherhood as a site of women's oppression, arguing that "The heart of women's oppression is in her childbearing and child-rearing roles" (Firestone 1971, p. 81), and that "motherhood as an institution has ghettoized and degraded female potentialities" (Rich 1977, p. 13). Eisenstein postulates that political struggles over the right to abortion may have contributed to the early second wave feminist hostility towards motherhood, as at this point in time "the right not to become a mother was central to feminist analysis" (Eisenstein 1984, p. 70).  Other theorists have suggested that these second wave feminist analyses were "daughter-centric" (O'Reilly 2004, p. x), perhaps reflecting these feminist authors' own oppressive experiences of being mothered, or as Rich conceptualised the issue, the deprivation daughters experienced of their mother's love and acceptance due to the limits imposed on motherhood by patriarchy (Eisenstein 1984, p. 83).

Nancy Chodorow's classic feminist text, *The Reproduction of Mothering* (Chodorow 1978), called into question women's roles which had previously been seen as "natural": she questioned "Why women have primary responsibilities for child care; why women want to mother and get satisfaction from it; how women's mothering reproduces itself" (Chodorow 1978, p. 7). Chodorow emphasised the social and psychological meanings of women's physiological experiences such as pregnancy, menstruation, parturition, menopause, and lactation; she argued that these experiences were not just based in women's biological differences, and that it was limiting to define women by these biological functions, as not all women – whether involuntarily or by choice - share these experiences (Chodorow 1978, p. 6). Chodorow argued that women's child bearing and child rearing roles had been conflated, and that there was no biological basis for the social reality that, typically, women "mother" (Chodorow 1978, p. 30).

While Marxist and socialist feminist analysis focused on women's unpaid domestic labour, including their child rearing work, as a source of women's oppression, liberal feminists sought to provide conditions of employment to facilitate women's labour force participation, leaving unaddressed fundamental aspects of gender inequity caused by women's carer responsibilities. In reaction to the categorisation of women's differences as the source of their oppression, radical feminists adopted women-centred approaches, arguing that women were "different but equal", and that "traditionally" female concerns such as nurturance could be liberating rather than oppressive (Eisenstein 1984, p. xi).

### 'Maternal thinking'?

Sara Ruddick's 1989 work *Maternal Thinking* represents in some ways a return to the origins of feminist theory, through her placement of women's experiences of mothering at the centre of her theorising. Ruddick defined "maternal thinking" as "the thinking to which mothering gives rise" (Ruddick 1989, p. 10); she wanted to displace what she described as the male values of reason that have formed the basis of Western philosophy – objectivity, self-control, detachment – with alternative ideals derived from women's work, values and experiences, "ideals more appropriate to responsibility and love" (Ruddick 1989, p. 9). Ruddick, like

earlier feminist theorists such as Rich, distinguished between the experience of mothering and "the oppressive, confining, isolating institutions of motherhood that spoil the experience for so many women" (Ruddick 1989, p. 39).  Ruddick argued that her focus on women's practice of mothering was due to its centrality to many women's lives, and its impact on the lives of most women, who have been mothered even if they are not themselves mothers.

Making a distinction between "birthing labour and mothering", for Ruddick "all mothers are 'adoptive'", in the sense that they have to actively choose to care for a particular child or children (Ruddick 1989, p. 51):

> Although birthing labour is an undeniably female activity, it is possible to minimize its importance to mothering as a whole.  Adoptive or stepmothers are no less qualified maternal workers because they have not given birth.  Nor is giving birth sufficient grounds for undertaking maternal work or doing it effectively.  Pregnancy, birth, and lactation are different in kind from other maternal work and, measured by the life of one child, are brief episodes in years of mothering. (Ruddick 1989, p. 48)

Mothering is here defined as something that all women can undertake, which is not necessarily bound to the biological act of birth.  While I appreciate the argument that leads Ruddick to disassociate the act of giving birth from the act of mothering, I am concerned about the implications of this theoretical de-coupling for mothers who experience the loss of their children, whether through welfare processes, fostering or adoption, or even the death of a child, who cannot by this reasoning claim the status of "mothers".  Ruddick carefully distinguishes between such women, "birthgivers", and those who undertake mothering, although she does call for recognition of the autonomy of birthgivers to make the adoption arrangements that suit them, and for respect to be given to their intentions and aspirations for their children (Ruddick 1989, p. 51).

One valuable aspect of Ruddick's approach was her emphasis on the role of power in motherhood; while mothers are typically seen as having failed whenever

something goes wrong with a child, for Ruddick a mother's "ability to determine her own and her children's lives depends on economic and social policies over which she has minimal control" (Ruddick 1989, p. 35). She also highlighted the "cruel and bitter work" of mothering in an environment where children suffer the affects of preventable social ills that are beyond the scope of an individual mother to address (Ruddick 1989, p. 29).

In contrast to motherhood, Ruddick saw fatherhood as a position of power and authority, one that is bestowed by society rather than earned through caring work or determined by children's needs. Ruddick offered the valuable insight that not all men can be Fathers in the sense that society defines this role, as they do not all have access to the required power or resources associated with being a Father (Ruddick 1989, pp. 42-43). This insight could certainly be applied to many Aboriginal fathers in the Stolen Generations era, who were denied the economic opportunities to support their family and stripped of legal recognition of their guardianship status in relation to their children.

Unlike the early maternalist feminists, Ruddick did not argue that mothers have a special status or moral authority in society; "Mothers are not any more or less wonderful than other people – they are not especially sensible or foolish, noble or ignoble, courageous or cowardly" (Ruddick 1989, p. 25). Acknowledging that mothers have been complicit in racism, war and violence, Ruddick called instead for a transformative feminist maternal peace politics (Ruddick 1989, p. 251) - the part of *Maternal Thinking* that I find most problematic as it seems to return to an essentialised view of mothers as inherently nurturing and caring. Her work has subsequently been criticised for its ethnocentric "universalizing" of women's experiences of motherhood without any explicit analysis of the impact of class, race, disability and other social differences on mothering (Baraitser 2011, p. 62).

### Motherhood and race

In contrast to Ruddick's vision of motherhood as a universalizing experience for women, motherhood is undoubtedly a powerful site demonstrating the intersection of race and gender. Berg notes that "motherhood remains one key

arena in which national racial anxieties are worked out" (Berg 2002, p. 143).
Roberts comments that "ideal motherhood is white", and highlights the
intersection of race and gender in the creation of maternal standards which find
black mothers wanting (Roberts 1995, p. 232); and theorists have pointed to the
inter-relationship in Australia between the denigration of black motherhood and
the promotion of white motherhood, or what Paisley describes as the difference in
status between being "race mothers" and "mothers of the race" (Paisley 1995, p.
269).  In this section I explore critiques of feminism by black women, theories of
intersectionality, and conceptualisations of motherhood as a culturally affirming
and liberating site for black women.

### Critiques of 'white' feminism

Many black feminists have been highly critical of feminism, arguing that white
feminist "liberation" evolved from white values and agendas that were not
meaningful to black women, and that the professional success of white women in
the workplace was often founded on their exploitation of the labour of black
women (Roberts 1995, pp. 235-236).  In common with other black women,
Indigenous women in Australia have tended to prioritise racial discrimination as
their primary form of oppression (Larbalestier 1991, p. 76).  Aboriginal activist
Jackie Huggins has critiqued "the white women's movement", arguing that racism
rather than gender remains the more relevant lens of discrimination for Aboriginal
women, and describing feminist calls for gender solidarity across racial lines as
similar to "the attempts made over decades by welfare administrations to separate
Aboriginal women and use them against their communities" (Huggins 1994, pp.
70-71).

Moreton-Robinson highlights biological essentialism and the conflation of race and
culture in white interpretations of Aboriginal women, in particular the binary
between "traditional" and "contemporary" which she argues is based on biological
grounds, such as "full-blood" and "half-caste".  Moreton-Robinson also criticises
white feminists for imposing their own agenda and concerns upon Aboriginal
women; "The literature is written about them, not by them, for them or with them"
(Moreton-Robinson 1998, p. 278).

It is important to acknowledge that many white feminists have over-emphasised the commonalities of women's shared experiences. As Curthoys has aptly noted, "white Australian feminists, like white feminists elsewhere, have extreme difficulty in placing themselves on the side of the oppressors rather than the oppressed" (Curthoys 1993, p. 173).

## Theories of intersectionality

Black and postcolonial critiques of feminism have emphasised the need to be aware of the intersection of gender with other characteristics, such as race, class, sexuality, etc. (see, for example, Collins 2000; Crenshaw 1989; Crooms 1996; Haggis 1990; Harris 1989; Mohanty 1988; Roberts 1995). Crenshaw identified in the late 1980s how the experiences of black women were marginalised by existing antidiscrimination frameworks, which focused on race or gender but never on both (Crenshaw 1989, pp. 149-150). She argued that black women were subordinated by the dominant voices of white women within efforts to address sexism, and by those of black men within efforts to address racism; race and gender discourses were oppositionalized, and black women's experiences marginalized (Crenshaw 1993, pp. 112-113). It was only through examining the interaction or intersection of race and gender, Crenshaw argued, that meaningful insight would be gained into the lives of black women (Crenshaw 1989, p. 140).

Anthropologist Henrietta Moore has also written about the importance of consideration of the "complex and historically specific" impacts of factors such as race, ethnicity, class, religion, sexuality and social orientation on gender (Moore 1988, p. 190). Moore emphasises that the concept of intersectionality is not additive, where different factors of analysis are added to a gender analysis; rather, intersections of gender, race or other characteristics are *transformative* (Moore 1988, p. 190), and these forms of difference are constructed and mediated in relation to each other:

> To be a black woman means to be a woman and be black, but the experience
> of these forms of difference is simultaneous, and not sequential or
> consequential.  (Moore 1988, p. 196)

Not all differences are equally significant in any given historical context, and Moore argues that careful analysis is required to determine which forms of difference should be the main focus of a theoretical framework, as well as what their significance might be within the context under consideration (Moore 1988, pp. 196-197).  It is important to recognise that by prioritising the significance of the intersection of race and gender in the lives of Aboriginal mothers in the Stolen Generations era, my research will necessarily be highlighting the *differences* between the experiences of these mothers and those of other poor and socially marginalised non-Indigenous mothers, and occlude potential commonalities in their experiences of child removal or the challenges of mothering in this era.  It will also necessarily highlight the differences between the experiences of Aboriginal mothers and those of Aboriginal fathers, rather than focus on the common elements of their experiences.  However, as I will highlight in the findings from my research in subsequent chapters, there are undoubtedly aspects of the experiences of Aboriginal mothers that can only be understood through analysis of both race and gender.

### Motherhood as resistance

Not surprisingly, the impact of race and racism on mothering is a key focus of black feminist writing on motherhood.  Rather than being seen as a site of oppression, black women have defined motherhood and women's maternal identity as sites of power, agency and authority for black women (O'Reilly 2004, p. 19).

In her essay "Homeplace: a site of resistance", bell hooks describes the importance of black women's role in home making as a strategy of resistance in an environment of extreme racism:

> Black women resisted by making homes where all black people could strive
> to be subjects, not objects, where we could be affirmed in our minds and

hearts despite poverty, hardship, and deprivation, where we could restore to ourselves the dignity denied us on the outside in the public world." (hooks 1990, p. 42)

hooks argues that insufficient acknowledgement has been given to the work undertaken by black mothers to create "homeplaces" that could operate as sites of resistance and liberation struggle (hooks 1990, p. 43). hooks addresses the issue of black women whose time and nurturing energy was spent in caring for white children, time which they longed to spend with their own children (hooks 1990, p. 43). This issue has also emerged in my research, with Aboriginal mothers graphically describing the physical and emotional impact of being separated from their children to work as domestic servants caring for white children:

> And in the end they ended up sending me out to work, and I had to, I had to then find somebody else to look after [my son] – I was still breastfeeding. And I said to, I said "Oh, I can't". They wouldn't let you take him with you.... So they sent me out to [station name], out 200 km from the nearest town. I fretted, I was having trouble with the breast milk...And, I was, it was heartbreaking, because I was Nanny to twins and four kids...(Female, QLD, UTS Transcript RP1, p. 21)

hooks emphasises the love and commitment of black mothers who were unable to care for their children due to the demands of work or the brutal realities of a racist system in which their motherhood and the very humanity of themselves and their children were devalued. She relates a story taken from a slave narrative written in 1845 about a black mother who travelled 12 miles at the end of each day's labour just to hold her sleeping child in her arms, and is critical of the black male narrator of the story who says "he never knew a mother's care" for failing to recognise the sense of personal value that his mother's act of love and resistance instilled in him (hooks 1990, p. 44). An act of love in an environment in which one's humanity is denied is indeed an act of political resistance, particularly within a racist system which demonised black mothers and characterised them as incapable of the same depth of feeling for their children that white mothers had. hooks' powerful image

of the enduring dedication and love of the absent black mother resonates strongly with the experiences of the mothers of the Stolen Generations, who while they may have been denied the opportunity to "mother" their children, never forgot them and never ceased hoping to one day be reunited with them. One research participant poignantly describes her mother's one wish to see her youngest daughter one more time:

> That's my poor old mum whose wish is just to see her, just once, just once. She said, 'All I want to do is just to have a look at my daughter, just say now she's getting on, that's my daughter. She was a baby when she left, now she's a woman herself and a grandmother.' She wants to see her one more time. (Female, WA, NLA TRC 5000/278, p. 28)

Collins has described how images of black women as "the mammy, the matriarch, and the welfare mother" have been used to control black mothers and to justify oppressive white policies and practices (Collins 2000, p. 176). Roberts adds the image of the Jezebel to this list, "a woman governed by her sexual desires" (Roberts 1995, p. 230). In a similar vein to hooks, Roberts highlights the role that black mothers must play in safeguarding their children in the face of a dehumanising racist society (Roberts 1995, p. 225).

Andrea O'Reilly has written about the conceptualisations of black motherhood that emerge from the writings of Toni Morrison, and how Morrison's construction of black motherhood differs from dominant discourses of motherhood (O'Reilly 2004). For Morrison, black motherhood is "a political enterprise with social consequences", and incorporates multiple dimensions including "motherwork, motherlove, and the motherline" (O'Reilly 2004: x). "Motherwork" relates to the practices of black mothers in raising their children with the strong sense of identity required to survive and resist in a racist and sexist world:

> ...motherwork, through the tasks of preservation, nurturance, cultural bearing, and healing, is what makes survival and resistance possible for African American people (O'Reilly 2004, p. 29).

This type of mothering, labelled "Motherhood as preservation", is a strong feature of black motherhood, but one that is undervalued and unrecognised by the dominant discourse of motherhood, which places value instead on the role of mothers as nurturers (O'Reilly 2004, p. 32), or what Walkerdine & Lucey (whose analysis focuses on the impact of class on mothering practices) term "sensitive mothering" (Walkerdine & Lucey 1989, p. 60). Poor black mothers, O'Reilly argues, are primarily focused on the physical survival of their children; their priorities as mothers often revolve around securing food and shelter, and building safe neighbourhoods, both for their own children and other children in the community (O'Reilly 2004, p. 32). Motherhood as preservation is thus in stark contrast to the style of nurturing mothering that is seen by the dominant white society to constitute "good" mothering. The "motherline" refers to black mothers' role as the bearers and transmitters of black culture and traditions (O'Reilly 2004, p. 4). "Motherlove" relates to the importance of a deep cultural connection to black identity and selfhood; black mothers must have these deep connections "to love themselves as black people and to teach the same to their children so that they can develop a strong and proud black identity" (O'Reilly 2004, p. 33).

O'Reilly identifies roles such as "othermothers" and "community mothers" as also being important in black communities; "othermothers" care for particular children but are not their birth mothers, while "community mothers" focus on the wellbeing of the community rather than that of specific children (O'Reilly 2004, p. 5). Stack's groundbreaking study of black families in the US highlighted the role of "child-keeping" in black communities, the web of extended family and community relationships involved in caring for children. Highlighting the ways in which culturally-based judgements about what is "normal" influence perceptions of black families, Stack's study emphasised how "These predictable, stable child-keeping patterns provide a commanding contrast to the characterization of black family life as 'broken' and 'disorganized'" (Stack 1974, p. 73). In the Australian context, Eades has highlighted how the movement of children between different carers is seen as responsible child-rearing by Aboriginal families, allowing the child to develop relationships with extended family members. However, it is interpreted as

"deficient parenting" by non-Indigenous professionals and welfare workers, and as "denying children 'security' and 'stability', which are typically defined in middle-class Anglo terms" (Eades 2008, p. 12).

## 'Keepers of the family': motherhood in Aboriginal women's autobiographical narratives

While there is not an extensive amount of theoretical literature written by Aboriginal people about motherhood, Atkinson has described the importance of women's status as mothers or potential mothers in Aboriginal culture (Atkinson 2002, p. 3). Drawing on Aboriginal women's autobiographical writings, Moreton-Robinson has emphasised the importance of relational ties to Aboriginal women:

> The most important relationships for Aboriginal women in their narratives are with either their surrogate or extended families. Aboriginal mothers and grandmothers demonstrate a spirit of generosity to their families and communities and, for children who have no experience of their families in the mission dormitories, it is the older children from whom they learn about the ethics of relationality. Aboriginal women's relationality is based on giving priority to personal relations based on principles of generosity, empathy and care which connote ideals of respect, consideration, understanding, politeness and nurturing. All of these women sought to impart such ethics to their own children and grandchildren later in life. (Moreton-Robinson 1998, p. 279)

Interestingly, white feminists such as Carol Gilligan have also long argued that [white] women's identity is defined in a context of relationship and judged by a standard of responsibility and care (Gilligan 1982). However, for Moreton-Robinson these relationships for Aboriginal women are deeper and provide a link to their identity, country, spirituality, and cultural knowledge:

> The narratives of Aboriginal women reveal that they are embodied, and embedded in a network of social relationships in Aboriginal domains. The body for Aboriginal women is the link to people, country, spirits, herstory

and the future and is a positive site of value and affirmation as well as a site of resistance. As keepers of the family, Aboriginal women are the bearers of subjugated knowledge. (Moreton-Robinson 1998, p. 285)

White historian Margaret Somerville, who collaborated with Aboriginal elder Patsy Cohen to write a unique history of the Ingelba region in Northern NSW based on the community's memories of five Aboriginal "matriarchs", describes the importance of kinship knowledge in Aboriginal communities:

> Aboriginal people here have related to their past through their collective kin....The network of individual and collective kin is maintained by the women in their kin work....kin networks provided a mechanism for relating people to the landscape and drawing new people into a sense of identity in place. Knowledge about kin and the everyday social knowledge associated with the construction of these kin networks made the cultural work of the day possible. (Cohen & Somerville 1990, p. 52)

Somerville describes her inability to participate in the early stages of the Ingelba project as she did not have the necessary knowledge and understanding of the complex social relations of the community, maintained by Aboriginal women through their "kin talk", an oral knowledge-base essential to the effective functioning of kin networks (Cohen & Somerville 1990, p. 141). Of course, one of the effects of Aboriginal child removal was to disrupt the transmission of this knowledge base, with significant implications for the removed child's identity, relationship to country and cultural understanding, an issue addressed by a number of my research participants.

In her study of Aboriginal women's autobiographical writing, Brewster has identified "survival skills...constituted by bush knowledge, both traditional and post-invasion, and homemaking and cooking skills" as a key aspect of women's knowledge highlighted in their autobiographical narratives (Brewster 1996, p. 36). Other key features emerging from Aboriginal women's autobiographical writing highlighted by Brewster include the importance of the extended family network in

sustaining Aboriginal families (Brewster 1996, p. 32); the role of the Aboriginal family in resisting "the pressure to conform to a white culture" and in providing "a site of power and consolidation for Aboriginal women" (Brewster 1996, p. 30); the description of "strategies of resistance" (Brewster 1996, p. 50); the role of Aboriginal women as custodians of their family history (Brewster 1996, p. 53); as well as the political critique of the injustices Aboriginal people have faced and continue to face in Australia (Brewster 1996, p. 56).

Focusing specifically on the issue of motherhood in Aboriginal women's autobiographical writings, there are a number of accounts by Aboriginal women about their experiences as mothers or of being mothered that I have analysed, including Barnes 2000; Clements 1930; Crawford 1993; Edmund 1992; Hegarty 1999 and 2003; Huggins & Huggins 1996; Kartinyeri 2000; Kennedy 1985; Langford 1988; McDonald 1996 and 2007; Mok 2005; Morgan 1987; MumShirl 1981; Nannup, Marsh & Kinnane 1992; Pilkington 1996 and 2002; Roughsey 1984; Simon 1978; Terszak 2008; Tucker 1977; Vicenti & Dickman 2008; Walker 1989; Ward 1987 and 1991; West 1987; and Woodrow 1990. In these Aboriginal women's autobiographical accounts, motherhood is constructed as a constant struggle against poverty and the impact of racism. Aboriginal motherhood in these stories is socially inclusive - no one gets turned away, resources are shared. Aboriginal mothers have intimate knowledge of tragedy and their autobiographies often include accounts of the death of their children. Single motherhood is a key theme - partners are frequently absent through work, early death, or desertion. Aboriginal mothers describe themselves as imperfect, sometimes putting their own needs or the needs of their community ahead of their own children, but honest in recognising this. Resilience is another key theme, as is the strength drawn from their cultural identity. Their own mother is often a pivotal figure in these writings, even in her absence (see for example Crawford 1993, Langford 1988). While these autobiographical narratives paint a powerful picture of the resilience of Aboriginal mothers and operate as an important counter-narrative to white categorisations of Aboriginal motherhood as neglectful and uncaring, it is possible that the portrait of the indomitable Aboriginal mother they portray is

itself a burden to struggling Aboriginal mothers, who may see themselves as failing to live up to this ideal.

Obviously, another key source of Aboriginal perspectives on motherhood is the oral history interviews which form the basis of my research.  A key feature of these interviews is that the relationship between mother and child has been interrupted by child removal; in many cases my research participants described the ongoing and difficult process of attempting to rebuild mother-child relationships that most of us take for granted.  While some Aboriginal research participants express a degree of latent hostility towards their mothers, reflecting Sanger's view that the injury a child experiences in a mother's absence is real and is perceived by the child as abandonment rather than separation (Sanger 1995, p. 42), a number of research participants speak with great compassion and love about their mothers, intimately recognising the many challenges and difficulties their mothers faced in trying to hold their families together.  As Atkinson reminds us, "the researched" will always know more "about their own experiences of their own lives" than any researcher can ever hope to (Atkinson 2002, p. 14).

### 'Shattered Bonds': black motherhood and contemporary child removals

In the Australian context, Carrington has highlighted the systemic racism inherent in policing and welfare approaches to Indigenous families (Carrington 1990). Carrington argues that issues such as racism and poverty are invisible in such processes, and the victims are blamed for their own deprivation.  Since the end of the Stolen Generations era there has been a multiplication of bureaucracies concerned with intervening in the lives of Indigenous families (Carrington 1990, p. 12). There has been continuity in child removal practices despite attempted reforms such as the introduction of the Aboriginal Child Placement Principle, and state interventions in Indigenous families can be justified as legitimate and benevolent because they are "concerned with the welfare and preservation of children" (Carrington 1990, p. 14).

The data in relation to Indigenous children in the child welfare system in Australia are stark.  Noting that rates of child protection substantiations for Aboriginal and

Torres Strait Islander children are six times higher than the rates for other Australian children, and that the rate of Indigenous children in out-of-home care is nine times higher than for other children, Briskman argues that

> The current over-representation is, in large part, the result of a lack of understanding by the dominant society of Aboriginal cultural values, and the absence of policies that entrust Aboriginal people in their child-rearing and decision-making. It results in denial of their human rights in child rearing and respect for their traditions. The result of rigid control and lack of understanding by governments combines with factors that have dogged Indigenous children and families ranging from poverty, abuse and family violence. Yet, the manner in which welfare intervention operates today still arguably has a 'race' focus, underpinned by assimilationist ideologies. A continuing ignorant and discriminatory approach to welfare intervention in Indigenous families prevails, one which fails to embrace cultural difference and which perceives of Indigenous peoples as the 'other.' (Briskman 2003, p. 8)

The situation continues to worsen, with a recent Productivity Commission *Closing the Gap* Annual Report citing a 436% increase in care and protection orders issued for Aboriginal and Torres Strait Islander children between 2004-2013 (quoted in Behrendt 2014). Describing the idealised image of the "good mother" in Australia, Cripps has argued that "There is no room within this stereotype to accommodate experiences of racism, colonialism, classism, nor violence that may mediate individual actions and responsibilities of women as they navigate their 'motherhood'" (Cripps 2012, p. 27). Cripps highlights the correlation between domestic violence and the substantiation of child abuse allegations in Indigenous families; she also highlights the growing conceptualisation of poverty and social isolation as "risk factors" for child protection agencies, rather than them being understood as systemic factors underpinning child neglect (Cripps 2012, p. 30). Swain & Hillel's history of the "child rescue" movement emphasises the impact of its legacy on contemporary child welfare, arguing that the image of the vulnerable child at risk "has been carefully constructed upon a denial or victimisation of the

family and kin who, properly supported, are most likely to ensure its safety"
(Swain & Hillel 2010, p. 175).

In the following section I will explore how motherhood has been conceptualised
within the international human rights framework, and the implications of this for
women who experience violations of their right to mother.

## Motherhood and human rights

There is an extensive body of theoretical literature on issues pertaining to gender
and human rights.  In particular, feminists have critiqued the human rights
framework for its failure to incorporate gender issues, and human rights processes
for their failures in identifying and addressing violations of the rights of women.
There is, however, much less analysis of the issue of motherhood and human
rights.  Some of the issues that I explore in this section include whether women's
status as mothers or potential mothers exposes them to specific vulnerabilities and
risks of human rights violations, and how motherhood is recognised and protected
within the international human rights framework.

### Is the right to mother recognised in international human rights law?

Is it meaningful to talk about a "right to mother", as then Prime Minister Julia
Gillard did in her National Apology for Forced Adoptions (Gillard, 2013)? What
protections for motherhood exist in the international human rights framework?
Was Aboriginal women's "right to mother" breached by Australian practices during
the Stolen Generations era?

Feminist historian Marilyn Lake has written about the role of prominent
Australian feminist Jessie Street in the drafting of the *Universal Declaration of
Human Rights*.  Street and other feminists lobbied for "the rights of motherhood" to
be included in the Declaration; a compromise was reached in drafting Article 25,
which stipulated that "motherhood and childhood are entitled to special care and
assistance".  Lake notes that despite the best efforts of feminists, "Mothers were
considered not as political subjects with rights, but as a group akin to children, in
need of social care" (Lake 1999, p. 205).

How are rights relating to motherhood currently articulated in the current international human rights framework? I analysed the UN human rights framework to identify what protections and safeguards currently exist to protect the right to parent or the right to mother, and how these have emerged and changed over time (see Appendix 1 for an overview of clauses relating to motherhood in the current UN framework). In undertaking this analysis I conceptualised the right to mother as encompassing a wide variety of social aspects associated with mothering, not limited to the biological act of giving birth.

While there are many references within UN human rights conventions to the family as the "natural and fundamental group unit of society" (*Universal Declaration of Human Rights* 1948, Article 16 (3); *International Covenant on Civil and Political Rights* 1966, Article 23 (1)), it is difficult to extrapolate from international human rights conventions the existence of a right to mother. Article 5 of the *Convention on the Rights of the Child* articulates the right to parent:

> States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention. (*Convention on the Rights of the Child* 1989, Article 5)

Unlike many other rights holders, there is a strong emphasis within the UN conventions on the "responsibilities" and "duties" of parents, and understandably parental rights as articulated within this framework are often framed or curtailed by a judgement about what might be in the "best interests" of the child. This is a fundamental principle in children's rights but one that has been questioned by some theorists, who have emphasised the history of the use of concepts such as "best interests" to regulate and control Indigenous peoples (Cripps 2012, p. 26), with a key issue being who gets to determine what is in your best interests. The *Declaration on the Rights of Indigenous Peoples* recognises

the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child.

(*Declaration on the Rights of Indigenous Peoples* 2007, Preamble)

Perhaps in recognition of the role of extended family and kin networks in child-rearing in Indigenous communities, this right is framed in terms of the right of "families and communities" rather than parents.

The *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) highlights that maternity is a "social function", and emphasises "the common responsibility of men and women in the upbringing and development of their children" (*CEDAW* 1979, Article 5 (b)). Despite this, there is an exclusive focus within the Convention on maternity, and no consideration of the equivalent conditions for fathers that might facilitate their more active involvement as primary carers for children, such as paternity leave provisions. Despite *CEDAW's* construction of motherhood as a "social function", the protections it affords relating to motherhood are principally focused on pregnancy, birth, maternal and post-natal health, the biological rather than social aspects of motherhood.

Article 16 of *CEDAW* relates to eliminating discrimination against women "in all matters relating to marriage and family relations." Clause (d) states that women should enjoy "The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount." This clause provides equality in parental rights with men but does not specify what these rights may entail. Similarly, Clause (f) relates to women's enjoyment of "The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount". There are a number of examples within my research data where Aboriginal mothers' rights to make decisions relating to their children were significantly compromised during the Stolen

Generations era, and the white father was the sole decision-maker about the education, guardianship or care of children, irrespective of the wishes of the mother (see for example "Colleen", p. 22; NLA TRC 5000/220).

The Australian Human Rights Commission 2014 report on children in mandatory detention provided an overview of some recent determinations of the Committee on the Rights of the Child about mothers' right to health and the role of parents and caregivers (see UN 2013, pp. 6-7).  The Committee found  that "parenting under acute material or psychological stress or impaired mental health" is likely to impact negatively on the wellbeing of young children (AHRC, 2014: 102).  Here, parents' rights are expressed as being relevant primarily in terms of the extent to which they are negatively impacting on their children's enjoyment of their rights, which appears to be the dominant construction of parental rights within the UN framework.

What aspects of mothering are *not* covered by the UN framework?  I would argue that women's relationships of care for children are not explicitly covered.  For example, Article 7 of the *Convention on the Rights of the Child* refers to a child having "as far as possible, the right to know and be cared for by his or her parents", but there is no articulation of an equivalent right for a parent to care for their children.  Article 9 states "that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child."  This protection against arbitrary removal is the closest the UN framework comes to articulating the right of a parent – or the right of a mother, overwhelmingly likely to be the primary carer of dependent children - to care for their children.  This right may also be inferred within clauses protecting against arbitrary and unlawful interference in family life and within an individual's right to privacy (*International Covenant on Civil and Political Rights* 1966, Article 17), but nowhere is it explicitly stated. Women's right to make decisions in relation to potential pregnancy and pregnancy (which perhaps could be articulated as the right *not* to mother) is also not explicitly covered, except by references in *CEDAW* to women having equal access

to health services including "those related to family planning" (*CEDAW* 1979, Article 12) and women having *the same rights as men* to determine "the number and spacing of their children" (*CEDAW* 1979, Article 16, 1 (e)).

There is a detailed overview of all clauses within the UN human rights framework that make reference to parental rights outlined in Appendix 1.  Of course, with the exception of the *Universal Declaration of Human Rights* and the *Convention on the Prevention and Punishment of the Crime of Genocide* (hereafter the *Genocide Convention*), which Australia became a signatory to in 1948, Australia had not ratified these international human rights covenants in the Stolen Generations era (and a number of these did not exist in international law until more recently, see Appendix 1 for details).  Australia did not begin enacting domestic legislation to give effect to its obligations under these international covenants until the 1970s, leading to the difficulty experienced by many contemporary Stolen Generation litigants, who have been unable to demonstrate that their removal was unlawful under any Australian laws in place at the time (Marchetti & Ransley 2005, p. 538).

### Motherhood and human rights violations

Does women's status as mothers and/or potential mothers put them at particular risk of human rights violation?  Feminist theorists have long critiqued human rights mechanisms for their oversights in relation to issues of gender and their failures in addressing violations of women's rights.  These critiques range from analysis of the complete lack of recognition of the gendered dimensions of human rights violations; to assumptions being made about women's victimhood and the lack of recognition of women's agency (Nesiah 2006a, p. 808); concerns about limited analyses of gender, and where gender is identified as a factor, a primary focus on sexual violations (Franke 2006, p. 822; Nesiah 2006b, pp. 1-2); the focus on public sphere violations by state actors (Aolain & Turner 2007, p. 234), excluding analysis of violations occurring in the so-called "private sphere"; the primacy of civil and political rights within transitional justice processes and the exclusion of consideration of violations of economic, social and cultural rights (Bell & O'Rourke 2007, p. 34), which are seen to have a differential impact on women; the structural barriers to women's participation in transitional justice

mechanisms, relating to both the legal standards on which such mechanisms are based and the processes they deploy (Bell & O'Rourke 2007, p. 24); and concerns about the gendered consequences of participation in transitional justice mechanisms (Aolain & Turner 2007, p. 48; Brounéus 2008; Ross 2003 (b); Rubio-Marín 2006, p. 21).

Whilst there is a large body of academic literature on women and human rights inquiries, Australia is not often included in comparative case studies of international human rights; and when it is the analysis is often limited and does not reflect a deep understanding of the Australian context (see, for example, Goodall's critique of Schaffer & Smith's *Narrated Lives*, Goodall 2006).  I would also note here that many of the feminist analyses of gender and human rights violations do not specifically examine issues of motherhood and the implications of women's potential and actual reproductive and carer roles for their exposure to human rights violations, possibly because as Walkerdine & Lucey state, "biology returns to haunt us" (Walkerdine & Lucey 1989, p. 31): it is theoretically challenging  to focus on the social construction of gender roles while also acknowledging the biological reality of women's reproductive capacity.

One case study of motherhood and human rights violations emerging from the academic literature that I want to explore is the Madres and Abuelas of Argentina, and I also want to examine parallels between the mothers of the Stolen Generations and mothers who experienced forced adoption in Australia.  I had hoped to also explore parallels between Indigenous mothers and child removal in the Report of the Truth and Reconciliation Commission of Canada on the residential school system; however similar to my findings in relation to the *BTH* Inquiry (Payne 2010), it has been noted that "women, girls and gender do not occupy a constitutive component of the TRC's work" (Reid 2011, p. 114).  Like the *BTH* Report, *They Came for the Children* (Truth and Reconciliation Commission of Canada 2012) is focused primarily on the impact of child removals on the child victims, and while it does address some aspects of removals in relation to parents, it makes no reference to specific issues for Indigenous mothers.

*'Revolutionizing motherhood'?: the Asociación Madres de la Plaza de Mayo*

Many mothers' groups have formed in the wake of human rights violations, including the Mothers for Peace in the former Yugoslavia; the Mothers' Front in Sri Lanka; the CoMadres in El Salvador; the Tiananmen Mothers in China; as well as mothers groups in Chile, Nicaragua, Honduras, Guatemala, and many more. In the case of the Madres de la Plaza de Mayo, an internationally renown mothers' group fighting for accountability after the "disappearance" (abduction and murder) of their children in Argentina, individual mother's personal experiences of immense grief and loss were transformed into a positive campaign for justice and human rights. There has been detailed analysis of the factors that led to the success of the Madres' campaigns, and debate about whether their fight for human rights is a radical restatement of women's carer roles or ultimately is constrained by and reinforces traditional beliefs and stereotypes about women as mothers.

The Madres emerged into the public eye in 1977, when fourteen mothers first gathered at the Plaza de Mayo, traditionally the centre of Argentine civic life, to raise public awareness of their plight and to try to pressure the regime into providing information about the fate of their children (Arditti 1999, p. 35). Commentators agree that this was a bold and brave move at a time when the military regime was still at the height of its powers and "disappearances" were ongoing. One of the early members of the Abuelas (Grandmothers) group has commented about the importance of taking action to keep despair at bay:

> I think those of us who decided to work with the Grandmothers had an
> easier time coping with what had happened than those who stayed at home.
> Many people ended in mental hospitals or alcoholic or committed
> suicide...Every day I would do at least one thing to find my daughter.
> (quoted in Arditti 1999, p. 79)

Arditti emphasises the importance of the Madres' and Abuelas' political activism, arguing that their initial concern for the fate of their individual children eventually transformed into concern for "all the oppressed and persecuted" (Arditti 1999, p. 80). Fisher has described this transcendence of individual loss into campaigns for

community justice as the "socialization of motherhood" (Fisher 1989, p. ix); Guzman Bouvard sees it as a "radicalized, collective version of maternity" (Guzman Bouvard 1994, p. 2). Arditti argues that unifying around motherhood enabled the women "to build a bond and shape a movement without men", and that the Madres have created a "new form of political participation", beyond party politics, based "on the values of love and caring" (Arditti 1999, p. 80). Guzman Bouvard goes further, arguing that

> The Mothers not only transformed political action, but they also revolutionized the very concept of maternity as passive and in the service of the state into a public and socialized claim against the state. Their vision of maternity ultimately served as a springboard for demanding a political system that would reflect maternal values and assure human rights, universal participation, and social welfare: they proclaimed themselves revolutionary Mothers. (Guzman Bouvard 1994, p. 62)

After the fall of the military regime, the Mothers continued to be a thorn in the side of the new government, refusing national demands for reconciliation, closure and to "move on", rejecting reparation payments and mounting an unrelenting campaign to discover the fate of their children, to end impunity for violence and to seek justice against the perpetrators:

> Their role was not to mourn their children, the Mothers insisted, but to bring the assassins to justice. That is why in 1984 they adopted the slogan… BRING THEM BACK ALIVE. (Guzman Bouvard 1994, p. 147)

Some feminist scholars are uncomfortable with the Madres' utilisation of traditional conceptions of women's roles as mothers and nurturers to legitimize their public protest (Miller 1991, pp. 11-12), arguing that such approaches lock women into their reproductive roles (Guzman Bouvard 1994, p. 184). Protests based on motherhood could also be seen to belong within the Argentine cult of *marianismo*, the female counterpoint to *machismo*, based on honour for the Virgin Mary and emphasising the moral superiority of women on the basis of their

humility and self-sacrifice (Guzman Bouvard 1994, p. 184).  For Guzman Bouvard, such criticisms of the Madres for being inherently conservative raise the fundamental issue of "whether there can be a role for mothers in national politics" (Guzman Bouvard 1994, p. 257).  Fiona Ross has highlighted the trend observed at the South African Truth and Reconciliation Commission for women to testify about harms committed to others rather than those suffered by themselves (Ross 2003 (a), p. 17); perhaps mothers' human rights groups are the ultimate expression of this trend, campaigning for recognition and justice for their children rather than themselves.

It is interesting to contrast the outspoken Argentinian Madres with the silence, invisibility and powerlessness of the mothers of the Stolen Generations, issues that I will explore in detail in Chapter 5.  Besides the obvious differences of context, I believe that a significant factor in the impact of the Madres was the revered status of mothers in Argentine culture; Pieper Mooney comments that "The image of the sanctity of motherhood continues to shape Latin American realities" (Pieper Mooney 2009, p. 2).  Irrespective of whether the Madres indeed transcended or merely reinforced its norms, the social status of motherhood in Argentina provided a platform from which the Madres could speak and be heard.  In contrast, Aboriginal mothers in Australia were demonised and even their capacity to love and care for their children was questioned.  It is therefore not surprising that disempowered Aboriginal mothers, operating with diminished parental rights curtailed by Aboriginal Protection legislation (see Chapter 3), not even enjoying citizenship rights in Australia to participate in the political process, and widely criticised as neglectful and incapable of any depth of feeling for their children (see Chapter 4), were silent about their experiences of child removal.

### 'Conceived with love': the right to an identity

The work of the Abuelas de Plaza de Mayo, grandmothers of children of the Disappeared in Argentina, who have fought a lengthy campaign to identify and locate grandchildren born to their pregnant daughters or daughters-in-law who were "disappeared", has many parallels with the Stolen Generations.  There have been a number of documented cases where "disappeared" young women - who

were known to have been pregnant at the time they were abducted - subsequently gave birth and were then murdered.  In other cases the forensic examination of human remains identified that a "disappeared" woman had given birth before her murder; one forensic scientist referred to this as looking for death and finding life, and commented "We were able to tell her mother that although her daughter is dead out there somewhere she has a grandchild'" (quoted in Arditti 1999, p. 75). The babies' birth records were falsified and the children were illegally adopted by the officials of the regime who were the perpetrators of their parents' disappearance and murder.  The *Nunca Mas* (Never Again) Report of the Argentinian National Commission on the Disappearance of Persons stated:

> The repressors who took the disappeared children from their homes, or
> who seized mothers on the point of giving birth, were making decisions
> about people's lives in the same cold-blooded way that booty is distributed
> in war.  Deprived of their identity and taken away from their parents, the
> disappeared children constitute, and will continue to constitute, a deep
> blemish on our society.  (Quoted in Arditti 1999, p. 44)

There are clear parallels between these children and the case of the Stolen Generations, most obviously in the attempt to remove children from a particular cultural context and indoctrinate them into a new one.  The Abuelas refer to these stolen grandchildren as "the Living Disappeared" because they have been lost to their families and raised by different values (Arditti 1999, p. 51).  Through their grief at the abduction and murder of their children and the theft of their grandchildren, Arditti argues that the Madres and the Abuelas found a new unity and purpose in working to change Argentine society, and a new courage to speak out about what had happened to their children and to criticise the regime.  Arditti emphasises the importance of the pragmatic focus of the Abuelas - they wanted their lost grandchildren to be returned and the perpetrators of their children's disappearance and murder and the theft of their grandchildren to be punished (Arditti 1999, p. 80).  One of the outcomes the Abuelas have fought for is the establishment of a genetic database providing a permanent record of the families of the Disappeared who are seeking lost grandchildren, in the hope that in the

future more descendants will be restored to their families (Arditti 1999, p. 72).
Interestingly in terms of parallels to the Stolen Generations, one of the motivating
forces of the Abuelas is their concern that their grandchildren learn that they were
not abandoned by their parents:

> We fight so hard because the disappeared children have to know that they
> were not thrown away, that their mothers did not abandon them, that they
> were conceived with love.  That they were wanted. (Arditti 1999, p. 92)

The Abuelas emphasise the intergenerational dimension of the human rights
violations of the Argentine regime – not only have the rights of "the Disappeared"
been violated, but also those of their parents and their children (Arditti 1999, p.
160).  Challenging the response that the children of "the Disappeared" were
adopted and raised in loving families, the Abuelas have emphasised the key
difference between adoption and appropriation, highlighting the inability of the
murdered victims to exercise their parental rights (Arditti 1999, p. 139).  The
notion of "restitution" is important to the Abuelas – conceptualised not as financial
restitution or even the restitution of the stolen Argentinian children to their birth
families, but as the restitution to the children of their identities and the knowledge
of their family histories (Arditti 1999, p. 103).  Even for those children who have
refused to be returned to their birth families, choosing instead to stay with their
adoptive families, the Abuelas believe that the restitution of their identities is
important and may lead them to make different choices at different stages of their
lives (Arditti 1999, p. 134).  The Abuelas were instrumental in lobbying at the UN
for the inclusion of Article 8 within the *Convention on the Rights of the Child* (Arditti
1999, p. 137), which states:

> 1. States Parties undertake to respect the right of the child to preserve his
> or her identity, including nationality, name and family relations as
> recognized by law without unlawful interference.
> 2. Where a child is illegally deprived of some or all of the elements of his or
> her identity, States Parties shall provide appropriate assistance and
> protection, with a view to re-establishing speedily his or her identity.

(UN *Convention on the Rights of the Child* 1989)

I believe that the right to an identity is relevant to the case of the Stolen Generations; a number of research participants relate their ongoing difficulties in tracing their families or finding any information about the rationale for their removal.  In one case, a research participant has been unable to discover if his mother is alive or dead:

> But the thing that I'm looking for is where is my mum buried.  If she's dead, where is she?  If she's alive, where is she? (Male, Qld, NLA TRC 5000/69: 18)

Another research participant expresses a poignant wish merely to locate his mother's remains so that he can erect a memorial:

> … I've got to be positive to find my mother.  You know, where she is and I'm going to give her a decent, a decent burial.  And I'm going to, I'm going to put a headstone to let everybody know that, that's my mother laying there. You know? ("Bruce", Male, WA, p. 30)

### Parallels with forced adoptions

A parallel is often drawn in Australia between Stolen Generation removals and the forced adoptions experienced by young white mothers in the 1950s and 1960s. While the experiences of these two groups of Indigenous and non-Indigenous mothers are sometimes conflated, more detailed consideration highlights key differences between these two categories of removals.

In contrast with the total removal from family and community experienced by many Indigenous children, a study of adoption trends in Australia in the late 1960s highlights that for non-Indigenous children, adoption by a relative constituted close to half of all adoptions (Winkler and van Keppel 1984, p. 5).  Relinquishing white birth mothers were identified as being most likely to be single, still in their teen years and their contact with their children did not extend beyond

pregnancy/birth or the neo-natal period (Winkler and Van Keppel 1984, p. 4); whereas 40% of my Aboriginal research participants who were removed as children were aged 5 years or over at the time of their removal, with several even removed in their teens (see Table 3 and 4, Appendix 2). Only one Aboriginal research participant indicated that her removal resulted because of the lack of family support for keeping her (Female, NSW,NLA TRC 5000/214, p. 6), whereas this was a significant factor behind many of the forced adoptions experienced by young white mothers at this time (Inglis 1984, p. 190). Most non-Indigenous children made available for adoption up to the late 1960s were the children of unmarried mothers (Inglis 1984, p. 4); yet nearly one third of my Aboriginal research participants who were removed as children came from two-parent families (see Table 7, Appendix 2). In the case of children removed by welfare processes in NSW, Parry has highlighted that gender was also a significant factor in the removal of Aboriginal children; girls were predominantly removed by the Aboriginal Protection Board, "whereas boys predominated in all forms of care offered by other state welfare agencies" (Parry 2007, pp. 327-8. See also Goodall 1990).

A common factor in both forced adoptions and Stolen Generation removals was the lack of social security support for single mothers, resulting in limited options for supporting a child, particularly in the absence of family support to retain the baby. In speaking of her experience working at the Kate Cocks Home for unmarried mothers in South Australia, a white research participant acknowledges the broader social pressures and lack of financial support that led to many young (white) mothers making the difficult decision to have their babies adopted:

> A lot has been written today about the girls being forced to give up their children. My experience of that was that if you left the girls to their own device, they would make up their own mind. It wasn't the pressures from within the church but the pressures from within society. They knew that no matter what they didn't have the money to bring up the children. There were no deserted wives' pensions and the thinking of today was quite different to what it was then. Some of them would say they wanted to keep

the children, but in the end most of them would say, 'I think it's better to have them adopted', and that was the thinking of the day. ("Colleen", Female, SA, p. 6)

While single mothers' pension payments were not introduced in Australia until 1973 (ABS 1988), I outline in further detail the discriminatory provisions impacting upon Indigenous mothers' access to the baby bonus, maternity payments and other family-based social security payments that were available to most non-Indigenous mothers in the Stolen Generations era in further detail in Chapter 3.

One characteristic that mothers who experienced forced adoption and the mothers of the Stolen Generations may share is a pervasive social silence about their experiences.  Emphasising that secrecy was "the main characteristic of adoption practice", Inglis comments that "The social invisibility and silence of these [relinquishing] mothers is consistent with a general silence about their existence and their experience" (Inglis 1984, p. 13).  In their study of the long term adjustment of relinquishing mothers in adoption, Winkler & van Keppel describe the well-meaning "conspiracy of silence" which discouraged mothers from speaking about their experiences of loss, hindering their ability to mourn and heal (Winkler & van Keppel 1984, p. 24).  One of the people I interviewed who is involved in both the Stolen Generations Alliance and the birth mothers' advocacy group Origins commented on her own experience of being isolated and silenced subsequent to the removal of her child, and of her empowerment through discovering that she was not alone in what she had experienced:

I think that silenced a lot of women, you know, by thinking that they were, you know, unique in the fact that they'd had a very nasty experience and the fact that they'd given away their own child to a stranger – you know, basically [that] silenced an awful lot of people.  But when I started with Origins, it was, I could fit the pieces of the jigsaw puzzle together.  You know like how my rights were abused, how, you know, I was used – and it was almost like the realisation of, you know, just being treated as part and

parcel of a well-oiled mechanical system that fed you through.  You know the total realisation of that violation of yourself.

(Female, NSW, Transcript RP4: 6)

Another key difference between these groups of Indigenous and non-Indigenous mothers has been that the victims of forced adoption, in common with the Korean "comfort women" but in contrast to the mothers of the Stolen Generations, have in the past few decades broken the "social silence" about their experiences and have actively campaigned for acknowledgement that the removal of their babies was a violation of their parental rights, resulting in a number of state and federal level inquiries into past adoption practices (see, for example, Cole 2008, the Senate Community Affairs References Committee 2012), as well as a formal apology from the Prime Minister (Gillard 2013).[4]

## Motherhood and genocide

Genocide has been defined in international law as acts committed with the intention of destroying a group, in whole or part, on the basis of its nationality, ethnicity, race or religion (see *Genocide Convention* 1948, Article II).  However, the Convention has been critiqued for its failure to explicitly mention either sex or gender, and there have recently been calls to add gender to the categories already protected by the Convention (Rafter & Bell 2013, p. 17).

Academic studies of the social phenomenon of genocide have argued that historically, genocides have tended to follow a "kill-the-men-and-rape-and-assimilate-the-women-and-children" pattern (Rafter & Bell 2013, p. 16).  However, more recent scholarship exploring both sex differentiation in the impact of genocide and the gender roles of victims and perpetrators within genocide has challenged these traditional conceptualisations.  Some scholars have argued that in the modern era, women have been more likely to be killed and less likely to be

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[4] Cuthbert & Quartly have noted that this group of mothers was originally intended to be acknowledged in Kevin Rudd's 2009 apology to transported and institutionalised children, but were excluded; they speculate that this was because these birth mothers failed to meet the "innocence" and "trauma without guilt" criteria that national apologies appear to demand (Cuthbert & Quartly 2012, p. 95).

"assimilated" during genocides, possibly due to a twentieth century focus on "ethnic purity" (Fein 1999, p. 57).

While rape and sexual violence against women has a long history in periods of genocide and war, "genocidal rape" has also been identified as a feature of modern genocide, described as being utilised instrumentally in the Rwandan and Bosnian genocides as a tactic to appropriate women's reproductive capacity (Fein 1999, p. 54), but also to underscore the helplessness of males from particular cultural groups to defend "their" women (Fein 1999, p. 58). Men and boys have also been the victims of sexual violence, rape and abuse in war and genocide, an issue that is under-recognised (Fein 1999, p. 59). Catherine MacKinnon has commented that "peoples are also destroyed by acts short of killing" (quoted in Rafter & Bell 2013, p. 9), and some scholars have observed that "acts that do not result in death have not been taken seriously in estimating the toll of victims by students of genocide" (Fein 1999, p. 44), an observation that is certainly pertinent to debates about genocide in the context of the Stolen Generations in Australia. Fein poignantly describes the "'social death' in life" of rape survivors in the wake of the Rwandan genocide, suffering horrific physical and psychological injuries, subjected to community ostracism, sometimes deliberately infected with HIV, and at times left to raise the babies that were the outcome of their rape (Fein 1999, p. 57). Highlighting that it is often women who are left to deal with the consequences of genocide, Rafter & Bell provocatively ask whether the Rwandan genocide can only truly be deemed to have ended "when the last child born of Hutu rape dies?" (Rafter & Bell 2013, p. 14).

For some academics, a focus on gender in the context of genocide is seen to run the risk of marginalising some groups of victims; see for example Janet Jacobs, who in her study of gender and the Holocaust expresses her fear "that in the pursuit of feminist research goals I had relegated Jewish men to a place of insignificance" (Jacobs 2010, p. 14). Other academics have argued that a focus on gender within genocide is "offensive" (Bondy 1998, p. 310), and have found that the attempt to differentiate victims on gender grounds is a form of "comparative endurance" that is seen to diminish the suffering of all victims (Langer 1998, p. 362). Langer's

1998 denial of the relevance of gender as a category of analysis in the Holocaust is based on his sense that gendered behaviour, in the end, did not change the fate of millions of Jewish people, so it is therefore irrelevant to consider it (Langer 1998, p. 351). The Holocaust in Langer's view is "beyond gender" or any other sub-categorisation, as it is Jewish catastrophe, and any attempt to consider gender is meaningless (Langer 1998, p. 362). Interestingly, it is only in relation to the "special suffering" of Jewish mothers that Langer will recognise any gendered impact of the Holocaust; in this aspect alone Langer believes women experienced something they "could not and cannot share with male inmates" (Langer 1998, p. 353). However, his approach denies the reality that women's experiences of the camps, the choices that they faced, and their roles as mothers and carers of children or others, profoundly impacted on their experiences of the Holocaust. Langer's critique of gender analysis of the Holocaust is based on a fundamentally flawed understanding of what a gender analysis aims to achieve - not to valourize one sex over the other, but to consider the structural differences that led to gender-differentiated experiences and outcomes, or indeed, as may be more relevant in the context of the Holocaust, led in the end to similar outcomes but via sometimes very different paths (Ringelheim 1998, p. 350).

Looking specifically to the issue of motherhood and genocide, Fein emphasises there are both biological and social aspects to group reproduction that can be the target of genocidal practices (Fein 1999, p. 44). The *Genocide Convention* contains clauses relevant to both the biological and social aspects of women's status as mothers or potential mothers, covering genocidal acts designed to prevent births within a national, ethnic, racial or religious group (*Genocide Convention* 1948, Article II (d)) or to forcibly transfer children from one group to another (*Genocide Convention* 1948, Article II (e)). In particular genocidal contexts, women may be at increased risk of being targeted because of their biological role as mothers or potential mothers, or because of their gendered role as those most likely to be responsible for the transmission of cultural values to future generations. Women may also be more likely to become victims of genocide because of their gendered roles as carers for children and the elderly, which can expose them to increased risk of violence and murder. For example, many young Jewish women remained in

Germany in the years before the war rather than emigrate because of their relationships of care for elderly parents (Ofer & Weitzman 1998, p. 5), and young Jewish mothers capable of working were instead selected for immediate elimination on arrival at the death camps because they were pregnant or accompanied by young children (Dublon-Knebel 2008, pp. 70-71). Fein comments that "Primarily, it was the motherhood and care-taking of their children by Jewish women which increased their death-chances in the camps rather than direct gender discrimination" (Fein 1999, p. 53). Hertzog has noted how women are socialized to prioritise the needs of others over their own, and demonised if they fail to do so; she argues that this imperative also influences the choices Holocaust scholars make about what behaviours are documented:

> Stories of mothers going to their death because of subjugating their existence for that of their children, especially babies, are praised….Stories of renunciation, labelled as 'abandonment', are rarely told or documented. In other words, the historical documentation also strengthens coercive social conditioning in favour of the overpowering bond between mother and child….The socially-determined subjugating imperative of the mother-child bond often resulted in women's deaths. (Hertzog 2008, p. 275)

Horowitz has argued that scholars' accounts of motherhood during the Holocaust tend to be divided into "narratives of heroism" where a mother's actions led to a child's incredible survival against the odds, or "narratives of atrocity" where the mother failed to keep her baby alive; she contrasts these to the more complex accounts of survivors, in which "the strands of these two narratives are often intermeshed" (Horowitz 1998, p. 372).

Obviously, women's status as mothers or potential mothers does not result in them being at increased risk of human rights violations or the principal targets of genocide in every context. Sometimes men or boys are the principal victims; or the young or the elderly of either gender; or the objective may be wholesale slaughter of all members of ethnic groups irrespective of gender, age or other personal characteristics. While it is important to acknowledge that "All genocides are

gendered events" (Rafter & Bell 2013, p. 3), it is also vital to acknowledge that each genocide is different and "is likely to be driven by different assumptions about gender" (Rafter & Bell 2013, p. 8), requiring careful consideration of the specific context of each case under consideration.

### The genocide finding of the BTH Inquiry

In the case of the Stolen Generations, one of the most widely reported and controversial findings of the BTH Inquiry was that the forcible removal of Indigenous children constituted genocide, based on Article 2 (e) of the *Genocide Convention*, and the argument that the removal of Indigenous children in the Stolen Generations era constituted the "forcible transfer" of children from one group to another.  This finding was widely disputed, and the Inquiry has been criticised for its "extraordinarily wide conception of 'forcible removal'" (McGregor 2004, p. 292) and for failing to distinguish sufficiently between the "the prewar policy of biological absorption and the postwar policy of sociocultural assimilation" in making its finding of genocide (Manne 2001, p. 30).

If the Inquiry had documented the gendered basis and impact of removal practices on Indigenous women and girls in greater detail, it may have been possible to argue that aspects of the forcible removal of children aimed at "breeding out the colour" and controlling the sexuality and reproduction of Indigenous girls fitted within Article 2 (d) of the *Genocide Convention*, "imposing measures intended to prevent births within the group" (Payne 2010, p. 39). Goodall has noted that "the specifically gendered dimensions of this [child removal] policy are often obscured by inaccurately assuming that the policy goals remained fixed over the years and that the policy was applied consistently to children of both sexes" (Goodall 1995, p. 81).  A more nuanced interpretation of the different phases of removal policies and practices and different motivations behind them may have strengthened the genocide case the Inquiry was making (Payne 2010, p. 39).

What is evident from the academic literature on motherhood and human rights violations and the case studies I have briefly reviewed here is that women's status as mothers or potential mothers does put them at particular risk of human rights

violation in some circumstances:

- in a context of genocide, women and girls may be specifically targeted because of their reproductive capacity;
- in assimilationist contexts, mothers may be targeted because of perceptions about their gendered role in the transmission of culture;
- women's gendered relationships of care for children and the elderly may increase their vulnerability to harm in some contexts.

The absence of explicit protection for the right to mother within the international human rights framework becomes particularly problematic in the context of human rights inquiries, as such inquiries are shaped by a nation's commitments to international human rights treaties and their realisation in domestic legislation. This impacts on defining the issue to be investigated, who gets invited to give witness to their experiences, determinations about whose rights have been violated and who is eligible for compensation, and so on. Rights that are not defined and protected within the framework do not get identified as being in need of redress, and I believe this is clearly evident in the lack of a major focus on the issue of parental rights in either the *BTH* Inquiry in Australia or the Canadian Truth and Reconciliation Commission's investigation into residential schools.

I will now turn to issues around motherhood and silence in the academic literature.

## Motherhood and silence

Silence is complex and multifaceted, and cannot be simply interpreted as the absence of speech; it can be the result of a deliberate choice, due to reticence, or because of constraints imposed by others on who can speak and what can be discussed (Ross 2003 (a), p. 163). Foucault noted the ambiguous relationship between silence, secrecy and power, and advised that discourse cannot be simply categorised as "accepted" or "excluded", emphasising rather "the multiplicity of discursive elements that can come into play" (Foucault 1978, p. 100):

> Silence and secrets are a shelter for power, anchoring its prohibitions; but they also loosen its holds and provide for relatively obscure areas of tolerance.  (Foucault 1978, p. 101)

*Choosing to remain silent* infers a position of power and the withholding of knowledge and information - a strategy Indigenous people have used effectively in colonial and post-colonial contexts to retain control over their knowledge - whereas *being silenced* carries the association of victimhood and oppression.  In this section I explore the academic literature relating to silence, memory and trauma in the context of  human rights violations and investigative processes, and analyse the impact of women's status as mothers on their capacity and willingness to speak about their experiences of human rights violations.

### 'From voice comes hope'?: silence within human rights processes

The human rights literature often unproblematically promotes the need to "speak out", to testify, as a positive and healing experience (see, for example, Mertu, 2000, p. 142, the source of the statement "From voice comes hope").  Indeed such personal testimony forms the basis of most human rights mechanisms that enable redress for violations and past harms.  Remaining silent, if an active choice, has significant consequences within the processes currently in place to address violations of human rights.

One case study of the apparent benefits of "speaking out" after a long silence is that of the Korean "comfort women", survivors of sexual violence during World War Two who were in many cases rejected by their communities when they returned after the war as they were blamed for the dishonour they were seen to have brought to their families and communities (Chinkin 2001, p. 341).  Citing this as an example of "gendered shame" in which the women victims internalised the judgements of others (Schaffer & Smith 2004, p. 127), Schaffer & Smith argue that it was initially impossible for these women to publicly tell their stories in a way that would be received and have credibility (Schaffer & Smith 2004, p 128). Schaffer & Smith note that while these women's experiences of sexual slavery during the war years were widely known, "Common knowledge had yet to be

translated into a public discourse fuelled by witness testimony" (Schaffer & Smith 2004, p. 125). Chinkin speculates that the decision by these women to finally speak more than forty years after the violations they had experienced was based both on their desire for formal acknowledgement and a "meaningful apology", plus their practical need for "physical, personal and economic security for the last years of their lives" (Chinkin 2006, p. 206). Identifying the power of personal testimony in establishing the legitimacy of their case for redress (Chinkin 2006, pp. 216-217), Chinkin also argues that the Women's International Tribunal on Japanese Military Sexual Slavery helped to shift public attitudes towards the victims by more appropriately attributing responsibility for their sexual violation to the perpetrators (Chinkin 2001, p. 341). However, Dolgopol has argued that while several hundred victims came forward, there must have been "several thousand" still living who did not; even those who eventually testified spoke of the "enormous emotional and psychological burden" of keeping their "shameful secret" hidden:

> Because of this, the violation of their human rights has to be understood as something more than an act for a defined period of time: it is a violation which continues to affect their lives today. (Dolgopol 2006, p. 254)

Arguing that silence "can be a form of aiding and abetting", Dolgopol emphasises the complicity of allied forces in failing to prosecute Japanese soldiers for their crimes against women (Dolgopol 2006, p. 269), particularly Asian women. She highlights the importance of the social context, which led to the "forced silencing" of the women whose pain "could not be voiced", in contrast to other Japanese prisoners of war whose testimony about their experiences was encouraged (Dolgopol 2006, pp. 264-265). Of the survivors who did not come forward when the issue of the "Comfort Women" first began to re-emerge, Dolgopol theorises that their choice to continue to remain silent was based on "an unfounded sense of shame" about what happened to them, combined with a concern to ensure that their current lives were not disrupted; Dolgopol argues that their choice to remain silent should be respected (Dolgopol 2006, pp. 268-269).

In *The Silence. How tragedy shapes talk,* Wajnryb analyses the multiple factors that contributed to silencing Holocaust survivors from speaking about their experiences, particularly to their children. Wajnryb identifies a tension, which she labels "dysphoria", between Holocaust survivors – who simultaneously experience the desire to tell and the desire to forget - and their children - who simultaneously experience the desire to know and the fear of knowing (Wajnryb 2001, p. 32). There are many resonances here with the Stolen Generations, parallels that Wajnryb herself alludes to at several points, though like a number of others she defines the violations of rights during the Stolen Generations era almost completely in terms of the experiences of removed children (Wajnryb 2001, p. 308). Wajnryb's perspective is essentially that of a semanticist - she is looking at the technical aspects of language, and how the "Holocaust narrative" overwhelms the normal "question and answer" techniques that lead outsiders to have insight into another person's experiences, causing communication to disintegrate (Wajnryb 2001, p. 36). Wajnryb sees silence itself as a form of communication, and she argues that the messages communicated by silence may indeed be the more powerful (Wajnryb 2001, p. 35); she also highlights that not all cultures share the same cultural imperative to record and re-tell (Wajnryb 2001, p. 79). As with Dolgopol, the importance of context is emphasised; Wajnryb describes a "larger silence" in the era after the War, where the community was not willing or ready to hear about the horrific experiences of Holocaust survivors (or as by-standers had a stake in suppressing these stories), which constrained survivors from speaking about their experiences in the immediate aftermath of the war (Wajnryb 2001, p. 61). When the message being communicated is unwelcome - as in the case of the Stolen Generations, where past actions are being reinterpreted through a different lens and now being described as human rights violations - the effect can be to suppress communication. Wajnryb argues that the view of the victims of the Holocaust as being complicit in their own destruction has caused feelings of guilt and shame amongst survivors and has further suppressed their stories (Wajnryb 2001, pp. 226-227); again she draws a parallel with community responses to the removal of Aboriginal children:

*It was done for their own good.  Their families couldn't look after them.  It was an opportunity for children to break out of the poverty cycle.  It was an act of welfare and was well-intentioned, etc...* It seems easier to blame the victims for not looking after their own than to believe that the government could engage in such actions. (Wajnryb 2001, p. 228, italics in original)

Ultimately, though, Wajnryb judges the inability to talk about trauma as a destructive behaviour that is not healthy, as it is through communication that we express our relationships as humans, whereas "Silence keeps us separate, enclosed behind our own barriers, wondering at our own reality" (Wajnryb 2001, p. 78).

However, some theorists have argued that there is very little empirical evidence to support the common assumption that "speaking out" or truth-telling leads to resolution or healing, particularly in the absence of a sympathetic listener and a safe environment in which to testify.  Brounéus, whose research analyses the experiences of women who testified in *gacaca* courts in Rwanda, postulates that truth-telling may entail more risk for women than for men (Brounéus 2008, p. 59). In post-genocide Rwanda, Brounéus argues, the social stigma attached to women's experience of sexual violence, the complexity of victim / perpetrator relationships occurring even within families, and the ongoing insecurity of the women's environment constitute heightened risks for women in publicly testifying about their experiences of human rights violations, resulting for some women in their re-traumatization, ill-health and social isolation (Brounéus 2008, p. 55).  In the context of truth commissions, Aolain & Turner note that some victims may be better served by maintaining their silence, due to

...the costs of public revelation (further violence, exclusion, and heightened public profile), the voyeurism of public telling, its subsequent manipulation by the media...there are particular costs to women of telling their stories of sexual violation in societies where sexual violence is an unchallenged part of normal everyday violence. (Aolain & Turner 2007, p. 277)

In documenting women's experiences of violence during the Partition of India and Pakistan, Butalia asks "How do we reach beyond the stories into the silences they hide; how can we assume that speech, the breaking of silence, is in itself a good thing?" (Butalia 2000, p. 10); she reminds us that "...it is never a simple question of silence and speech, for speech is not always cathartic, not always liberating" (Butalia 2000,p. 42).  Butalia highlights the oppression of women and the violence they were subjected to during the Partition, often at the hands of their own families and communities, and also identifies the complex inter-relationship between women and perceptions of nation, community and male honour.  Butalia acknowledges that as a researcher,

> ...there was virtually no way in which I could speak to women who had been raped and / or abducted.  Not only had they very effectively been rendered invisible, but many of them wanted to stay that way, their stories held closely to them.  It was as if the memory of the rape, the experience of abduction, was in some way shameful and had therefore to be relegated to the realm of amnesia. (Butalia 2000, p. 281)

Similar to Brounéus, Butalia is highly aware that there are consequences for women in speaking out, particularly within patriarchal environments in which women are viewed somewhat paradoxically as both being emblematic of community honour but of very little individual worth.  Butalia poses questions that are highly pertinent for my own research:

> The dilemma remains: is it better to be silent or to speak?  Or, for the researcher, is it better to 'allow' silence or to 'force' speech?....When the question of rape and abduction of women came up, I asked myself, was it right to try and prise open their silences?  Would my search for a historical truth not mean another violation? (Butalia 2000, p. 282)

Research has demonstrated how attempting to fit women into existing human rights frameworks results in their marginalisation within the process and in the failure to identify the full range of harms they have experienced (Aolain & Turner

2007, pp. 257-258; Dal Secco 2008, p. 70). A case in point is the South African Truth and Reconciliation Commission (SATRC), where special "Gender" Hearings of the SATRC were introduced as an afterthought when it was belatedly recognised that women's experiences under the apartheid regime were not being elucidated by the SATRC processes. It has been argued that the SATRC's investigation of crimes of "political violence" committed under apartheid ignored the gender-based violence women experienced in their daily lives (Manjoo 2008, p. 144). Oboe speculates that some women's identity "is predicated through secret suffering", and that women's silence may be an aspect of gendered behaviour which should not necessarily be challenged:

> ... One wonders whether this insistence on the need to open up, to speak openly, to break the silence, to lift the veil of silence, is not a new violence on women, whose reluctance to tell may stem from subcultural codes of gender behaviour that should be acknowledged and respected.
> (Oboe 2007, p. 67)

Franke has observed that "The translation of human suffering into the language of law and rights will always satisfy the interests of legal authorities more than those who are called to narrate their pain" (Franke 2006, p. 821). Others have highlighted that the production of narrative is in and of itself a reductive process (Maier 2000, pp. 274-5). Possibly it is unrealistic to expect a human rights inquiry to capture all perspectives and stories:

> Any telling is produced of silences and erasures. Human rights reportage is no different in this respect. (Ross 2003 (a), p. 5)

While the issue of gender and silence has been explored in the academic literature, there are fewer studies which focus on the specific issue of the constraints that might limit mothers from testifying in human rights inquiries. Noting "the complexities in capturing women's experiences of activism and harm" (Ross 2003 (a), p. 164), Ross describes the "particular difficulties" faced by women who were mothers testifying at the SATRC:

> Motherhood is a status that traditionally carries great weight and some
> women felt it damaging both to conceptions of womanhood and to their
> relationship with future generations to declare the harms inflicted.
> (Ross 2003 (a), p. 158)

Manjoo argues that "Women's roles as mothers and bearers of children, or as bearers of collective identity, often render women as targets of specific policies and practices", and that this leads to "a general lack of accountability for crimes against women", as attacks on women are seen rather as attacks on the family or the community (Manjoo 2008, pp. 137-8). Affirming the power of women's understanding of their own lives, Ruddick argues that "maternal voices" have often been "drowned by professional theory, ideologies of motherhood, sexist arrogance, and childhood fantasy" (Ruddick 1989, p. 40).

### Indigenous people and silence

In her research on Australians' perception of the past, Goodall has identified an understandable reluctance by Indigenous Australians to relinquish custodianship of their stories, as well as a perception that it was "too early" in the Reconciliation process for some stories to be shared (Goodall 2002, p. 5). Other researchers have emphasised that there is at times a deliberate withholding of some information within stories told to the broader community by Aboriginal people, to emphasise that some knowledge is not for sharing (Gelder 1991, p. 357); Brewster comments that some stories "are as much about 'secrecy and strategic non-disclosure' as they are about the giving of information" (Brewster 1996, p. 24).

Eades has emphasised that silence is a much greater feature of Aboriginal English than it is of non-Aboriginal English; it does not have the negative association that is often attributed to silence in Western discourse, but is rather "a positive and productive feature of many interactions" (Eades 2008, p. 107). Differentiating between "active silence" and "passive silence", Bird Rose has also noted that silence in Aboriginal discourse has been wrongly interpreted by the colonisers as an absence, but rather is used as a strategy of knowledge management:

> Silence is crucial: control is exercised through judicious management –
> opening and closing, revealing and concealing.
> (Bird Rose 2001, p. 99)

Bird Rose argues that where Aboriginal people are called upon to justify themselves and their traditions and beliefs but where the decisions about the validity of these beliefs are made by others, silence "may be the better option…because it may be less destructive in the long run than speech" (Bird Rose 2001, pp. 115-116). This concern about the potentially destructive impact of speech is evident in some of my research participants (see Chapter 5 for further details).

Bird Rose's collection of oral history testimonies from black and white workers on remote cattle stations in the Northern Territory highlights the role of violence as a routine and effective measure used to silence both Aboriginal people and white station workers who might otherwise have protested against the treatment of Aboriginal people (Bird Rose 1991, p. 265). The most thorough form of silencing, Bird Rose argues, was death; "Murders, individual or mass, destroy not only people but also their testimony…" (Bird Rose 1991, p. 32). She refers specifically to the use of silence as a survival strategy by Aboriginal women, learned from the times in which there would be little they could say that would not make them a target for reprisal and violence; these women's silence "seems to speak directly to the problematics of speech" (Bird Rose 1991, p. 182).

### Louder than words? Memory, trauma and silence

Issues of memory, trauma, silence and testimony are themes running throughout my research into motherhood and the Stolen Generations. In addition to the many personal and structural reasons that may lead to a person choosing silence over speech or testimony, there are also methodological reasons for silence. Tuhiwai Smith has observed that the research process itself within Indigenous communities "stirs up silence, it conjures up bad memories" (Tuhiwai Smith 2012, p. 1). Noting the prevalence of the idea that the historian has a responsibility "to

give voice to all those who have been relatively or absolutely silenced….that the voices of these forgotten people need to be heard so that they can be remembered" (Jenkins 2004, p. 1), Jenkins postulates "*maybe there is no need to fill their silence with empirical noise*" (Jenkins 2004, p. 4, italics in original).  Rather, drawing on the work of Lyotard, Jenkins argues "That a certain kind of dignity can be created for those silenced by simply acknowledging that their silencing has occurred….That silence can speak 'louder than words'" (Jenkins 2004, p. 1).

It has been noted that stories about child removal were not a major feature of the "historical consciousness" of Aboriginal people between the 1930s and 1970s (Attwood 2001, p. 185), leading some to suggest that the Stolen Generations is a contemporary "invention" (Windshuttle 2009, pp. 63-67); however, theories of the memory of trauma suggest that the active suppression or "forgetting" of painful memories may have been a factor in this apparent "gap" in Aboriginal people talking about their experiences of child removal.

Tuhiwai Smith provides a powerful analysis of the impact of research into historical trauma on Indigenous communities, emphasising how painful the process of remembering can be for those who are still living with the consequences of their traumatic pasts:

> This form of remembering is painful because it involves remembering not just what colonization was about but what being dehumanized means for our own cultural practices.  Both healing and transformation, after what is referred to as historical trauma, become crucial strategies in any approach that asks a community to remember what they have decided consciously or unconsciously to forget. (Tuhiwai Smith 2012, p. 147)

In her analysis of the hidden history of community and family violence against women during the partition of India and Pakistan, Butalia argues that even histories that have impacted on millions of people can somehow be forgotten:

Twelve million people were displaced as a result of Partition.  Nearly one million died.  Some 75,000 women were raped, kidnapped, abducted, forcibly impregnated by men of the 'other' religion, thousands of families were split apart, homes burnt down and destroyed, villages abandoned. Refugee camps became part of the landscape of most major cities in the north, but, half a century later, there is still no memorial, no memory, no recall, except what is guarded, and now rapidly dying, in family history and collective memory. (Butalia 2000, p. 35)

While memory is integral to an individual's perception of their personhood and accountability, it is also integral to denials of agency (Antze & Lambek 1996, p xxv):

Identity is not composed of a fixed set of memories but lies in the dialectical, ceaseless activity of remembering and forgetting, assimilating and discarding. (Antze & Lambek 1996, p xxix)

The social dimension of trauma narratives, the cultural models that are available for memories, narratives and life stories, and the limitations of what is "socially possible to speak of and what must remain hidden and unacknowledged" are all aspects of the aspects of memory highlighted by Kirmayer, who argues that "the past context in which the story is historically rooted and the current context in which the story is retold" are critical to recollection (Kirmayer 1996, p. 191).  The dialectic nature of the relationship between experience and narrative has also been highlighted; "People emerge from and as the products of their stories about themselves as much as their stories emerge from their lives" (Antze & Lambek 1996, p. xviii).

In *Trauma and Recovery*, her groundbreaking feminist study of the development of psychoanalytical theory and practice in relation to trauma, Herman argues that the social and political context is critical for speech about trauma to be able to emerge. Her description of the stages in recovery from trauma - establishing safety, remembrance and mourning, and restoring the social connections of the trauma

victim (Herman 1992, p. 155) - have interesting parallels with human rights processes for investigating atrocities and violations, providing symbolic and material reparations, and promoting reconciliation. The need to establish safety to enable recovery has parallels in the work of Brounéus, who emphasises the importance of ensuring the physical safety of people who are testifying about their experiences of human rights violations (Brounéus 2008). In relation to telling the experience of trauma, Herman emphasises that the experience of the cathartic recount is not enough in and of itself; there needs to be "sufficient follow-through" of the broader social (and political) issues raised by the trauma (Herman 1992, p. 27).

Not surprisingly Herman, a psychiatrist, is a strong proponent of the benefits of speaking about trauma; indeed she sees such speech as an integral component of healing and recovery for trauma victims, as it helps them to reconnect to the broader community, something that their experience of trauma has closed off to them (Herman 1992, p. 1). Herman argues that the psychological impacts of trauma include disempowerment and disconnection from others; "Recovery, therefore, is based upon the empowerment of the survivor and the creation of new connections. Recovery can take place only within the context of relationships; it cannot occur in isolation" (Herman 1992, p. 133).

One of the vital stages of recovery from trauma that Herman identifies is the telling of the trauma story:

> In the second stage of recovery, the survivor tells the story of the trauma. She tells it completely, in depth and in detail. This work of reconstruction actually transforms the traumatic memory, so that it can be integrated into the survivor's life story... (Herman 1992, p. 175)

The fundamental premise of Herman's psychotherapeutic work is a belief in the restorative power of truth-telling; she argues that the act of telling transforms the experience into testimony, creating a new story which is "'no longer about shame and humiliation' but rather 'about dignity and virtue'" (Herman 1992, p. 181). As I

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explore in further details in Chapters 5 and 6, the choices between silence, speech, shame and dignity are not necessarily as clear-cut for the mothers of removed children as Herman's therapeutic approach to speaking about trauma would appear to suggest.

## Motherhood and the Stolen Generations

The term "the Stolen Generations" was first used by Peter Read, in describing the systematic removal of Aboriginal children from their families in NSW (Read, 1981). There had been earlier autobiographical writings by Aboriginal people identifying the issue of child removal in Aboriginal communities, most notably Margaret Tucker's *If Everyone Cared* (Tucker, 1977; see also Clements 1930; MumShirl 1981; Simon 1978). Written in 1977 before the idea of "the Stolen Generations" was on the wider community's radar, Tucker's description of her removal is an early example of what has become the archetypal Stolen Generations removal, powerfully highlighting the distress of the children and the adults, the role of the police, and the devastation of her mother (Tucker 1977, pp. 91-95). Moving beyond individual accounts, Read's work put the issue of "the Stolen Generations" very firmly on the political landscape as a major human rights abuse experienced by Aboriginal people. While highlighting that "Children particularly have suffered" (Read 1981, p. 2), Read also included consideration of the impact child removals had on parents, particularly mothers (Read 1981, p. 3).

Research has demonstrated that the issue of child removal was a significant concern to Aboriginal community groups as early as the 1920s, when leader of the Australian Aborigines Progressive Association Fred Maynard wrote to the NSW Premier outlining the group's demand that "family life of Aboriginal people shall be held sacred and free from invasion and interference and that the children shall be left in the control of their parents" (quoted in Haebich 2000, p. 313). However, Oomera (Coral) Edwards[5] has identified that the issue of child removal was not widely discussed among members of the Aboriginal community prior to her raising

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[5] Edwards was co-founder with Read of the community organisation Link-Up, which provides assistance and support services with the aim of reuniting Aboriginal families impacted upon by child removal.

it at a meeting of the National Aboriginal Consultative Committee in Canberra in 1983:

> No-one was talking about it. This was the first time it had really been talked about. It wasn't an issue with anyone. So it was like this kind of tender thing that everyone knew about but wasn't talking about. All I was doing, in speaking out loud about it publicly, was kind of giving permission for people to open their doors in themselves, to feel it. (NLA TRC 5000/94: 61)

Note that Edwards does not state here that Aboriginal people did not *know* about child removal, but merely that it was not widely discussed within the Aboriginal community at this time. This accords with the account of Peter Read, who in describing this same meeting emphasises the reaction of Aboriginal people in the room, many of whom themselves had been removed as children:

> And Coral made a speech in which she said, "Look, the reason why I represent lots and lots of removed people, and you know why we were taken away – it wasn't because our parents didn't want us, it was because the Welfare Board in various stages was trying to put an end to our Aboriginality…" And a silence fell upon the room. I remember it so clearly to this day…. At the end of it, Coral had spoken like that, and everyone was saying – I may be exaggerating a bit but that's the pretty strong impression I got - "Is that why we were taken away? Really? That's why I never seen my sister again? Was that the idea? That was the intention that she should never come home? I just thought she was too frightened, too shamed, to come home."…. "Was that why I was removed? You mean my mother actually might want me?" (UTS Transcript RP3, pp 13-14)

What I believe Read and Edwards are describing is the beginning of a reconceptualization of Indigenous child removal, from something that had been accepted as part of child welfare practice to something that was beginning to be recognised as a human rights violation. Bean & Melville have described a similar silence in Great Britain in relation to child migration schemes, which affected tens

of thousands of British children over a period of 350 years, but somehow never penetrated into the wider public consciousness (Bean & Melville 1989, p. 1).

In *States of Denial*, a major study of how people, organisations, governments and societies respond to atrocities and suffering, Cohen has identified that it is possible to exist in a state of simultaneously *knowing* and *not knowing* about human rights violations:

> Denial is always partial; some information is always registered.  This paradox or doubleness – knowing and not-knowing – is the heart of the concept. (Cohen 2001, p. 22)

Cohen argues that people who perpetrate human rights violations and those who stand by while they happen "only pretend to forget".  In contrast, victims may go through stages of forgetting and denial, however the majority "are quite unable to shut out their memories" (Cohen 2001, p. 131).   Herman has also highlighted the role played by perpetrators in silencing victims by attacking their credibility:

> After every atrocity one can expect to hear the same predictable apologies: it never happened; the victim lies; the victim exaggerates; the victim brought it upon herself; and in any case it is time to forget the past and move on.  (Herman 1992, p. 8)

Some have argued that the lack of prominence given to the issue of child removal within the Aboriginal community over the decades between the 1920s and 1980s is evidence of "the invention of the Stolen Generations" by Read and others (Windschuttle 2009, pp. 42-74).  However, recounting her research experiences with Aboriginal people in NSW in the 1970s, Goodall has described how memories and experiences of child removal and apprenticeship (a feature of NSW removals) were recounted at a family and community level at this time and were "varied and complex" (Goodall 2002, p. 14).  She argues that it was the intense political debate and contestation around Australia's past which were a feature of the Howard government's response to the *BTH* Inquiry which has resulted in people now being

"unlikely to reflect any complex memories which don't fit easily into the simplistic moulds of polarised positions" (Goodall 2002, p. 16).

The removal of Aboriginal children was identified as a significant issue impacting on Aboriginal communities in a number of pieces of academic research that pre-dated the *Bringing Them Home* Inquiry, including Carrington 1990; Brock 1995; Goodall 1990; Haebich 1992 and 1994; Kidd 1997; and Rowley 1971. While the history of child removals was "known" within the Aboriginal community and academic circles, the work of the Human Rights and Equal Opportunity Commission's *Bringing Them Home* Inquiry and the publication of the Inquiry's Report in 1997 had an electrifying impact on raising public awareness of decades of removal of Indigenous children. There have been many autobiographical and biographical narratives written about Stolen Generations experiences before and since the Inquiry, and other autobiographical accounts by Aboriginal authors which make reference to the impact of child removal practices. Haebich's incredibly detailed history of 200 years of Aboriginal child removal includes many points of analysis about Aboriginal parents (Haebich 2000). Mellor & Haebich have published a comprehensive analysis of oral history material drawn from the NLA *Bringing Them Home* Oral History Project (Mellor & Haebich 2002), which highlights many of the issues that I have also identified in my research. There has also been an array of academic studies exploring various aspects of the Stolen Generations subsequent to the Inquiry. However, the focus of research on the Stolen Generations has primarily been on the experiences of the removed children, and there has been less research attention paid to those left behind, such as parents, families and communities.

The lack of participation of Indigenous parents in the *Bringing Them Home* Inquiry was noted in the Report itself (HREOC 1997, p. 212), and the absence of testimony from Aboriginal mothers has previously been identified in the academic literature, most notably in Anne Orford's paper "Commissioning the Truth", which reflected on the *BTH* Inquiry within a collection of essays on a number of high-profile truth commission processes which were then happening internationally (Orford 2006). However, beyond researchers and others noting the lack of testimony from

Aboriginal mothers, I have not identified any academic research undertaken to date exploring the reasons for the enduring silence of Aboriginal mothers of Stolen Generations children, or attempting to document their experiences, and in those aspects I believe that my research is an original contribution which brings a new perspective and deepens our understanding of the Stolen Generations era.

Denise Cuthbert has researched the experiences of the white adoptive and foster mothers of Stolen Generation children (Cuthbert 2001). She describes the silencing of white adoptive and foster mothers by the over-arching narrative of the idea of the children they cared for being "stolen":

> ...it now appears nearly impossible to tell the story of indigenous child removal in terms other than those provided by the powerful Aboriginalised tropes and narrative modes that have come to shape both Aboriginal and non-Aboriginal understandings of [this] issue. (Cuthbert 2001, p. 139)

Whilst there are a number of parallel points of interest between Cuthbert's research and my own, particularly in our common interests in race, motherhood and the silence of mothers in testimony and debates about Stolen Generations removals, my research differs in its focus on analysing the experiences and perspectives of Aboriginal mothers.

## Conclusion

The academic literature reflects the struggle within feminism to develop an understanding of motherhood that captures the significance of the experience of motherhood in the lives of many, if not all, women. The literature has also highlighted how the intersection of race and gender is crucial to our understanding of Aboriginal women's experiences of motherhood. The ways in which motherhood has been conceptualised and protected in international human rights law indicate some key gaps, particularly the lack of explicit protection for women's right to mother and the primary focus on protecting the biological rather than social aspects of women's mothering role. As I have highlighted in a number of case studies from the literature, women's role as mothers or potential mothers can

at times place them at heightened risk of human rights violations.  The silencing of women within human rights processes has been explored, and the literature identifies that culture as well as gender can impact on when it is held appropriate to speak or to be silent.  Speaking out is generally seen as a critical aspect of both seeking redress and finding healing, however mothers may face particular constraints on discussing their experiences of human rights violations.

Having identified these key themes from the academic literature of relevance to my research, in the following chapter I will outline the methodological approaches I have taken to my research material.

# Chapter 2: Methodology

My theoretical approach to my research has been grounded in my understanding that concepts such as "motherhood" and "human rights" are socially constructed – which is to say that they are not natural or inherent, but are produced by humans and shaped in social interactions.  I have explored key concepts in relation to the social construction of motherhood in Chapter 1, however social constructivist theories are also useful for developing an understanding of the operation of power through the human rights framework.  A social constructivist approach emphasises that human rights are of human making; are not required to have a metaphysical existence or justification; are historically contingent; and dialectic in nature, simultaneously challenging and sustaining dominant power structures (see Best 1995; Donnelly 1999; Evans 2005; Stammers 1993, 1995 and 1999; Waters 1996; and Winston 2007).  Rights within a constructivist approach are not seen as an abstract universal ideal but are grounded in the socio-political realities of a given society (Stammers 1999, p. 981).  Because human rights reflect the realities of power, they are contested.

In the case of the Stolen Generations, a social constructivist theoretical approach has led me to focus on the context in which concern about the issue of the Stolen Generations emerged in Australia.  The late twentieth century has been identified as an "age of apology" (Brooks 1999), dominated by efforts in many countries to investigate and seek redress for past injustices.  In Australia the 1990s was marked by an unprecedented national focus on the history and legacy of colonisation and its impact on Indigenous Australians.  During this decade the final Report of the Royal Commission into Aboriginal Deaths in Custody was published (1991); a "Decade of Reconciliation" overseen by the newly created Council for Aboriginal Reconciliation was established (1991); the High Court recognised the existence of native title for the first time in the *Mabo* Case (1992); the International Year of the World's Indigenous Peoples was celebrated (1993); the *Native Title Act* was introduced (1993); the Wik Case (1996) found that Native Title was not automatically extinguished by the granting of a pastoral lease (Langton 1999, p. 23); the *Bringing Them Home* Inquiry was established (1995) and its Report was launched at the National Reconciliation Convention (1997).  The "Decade of

Reconciliation" culminated in *Corroboree 2000*, a celebration of the achievements of the Reconciliation process (Council for Aboriginal Reconciliation undated).  I have argued previously that the intense focus on "Aboriginal Reconciliation" in the decade leading up to the centenary of Federation reflected a perception that Australia as a nation needed to deal with aspects of its past in order to have a legitimate future (Payne 2010, p. 8).

The *Bringing Them Home* Inquiry, established to investigate the forcible removal of Indigenous children from their families, has been described as an "historical truth commission" (Hayner 2002, p. 17).  Truth commissions emerged as a new form of human rights investigative process which were the main instrument of this "age of apology", utilising "truth-seeking" processes based on transitional justice principles to explore historical and more recent injustices.  Orford emphasises the ritualised nature of truth commission processes, which she sees as attempting to both reach back to provide retrospective justice to past victims as well as reaching forward to bring a new reconciled nation into being (Orford 2006, p. 855):

> ...perhaps, if the peoples of this nation are reconciled, if debts are paid, if the past is remembered....and if those who have been denied voice become speaking subjects, perhaps then the nation might be able to move forward into a future of hope and justice. (Orford 2006, p. 877)

However, as she highlights, the rituals of closure offered by processes such as the *BTH* Inquiry come at a cost: as a new national collective memory is created, a line is drawn delineating "what is to be remembered and what repressed; what is to be abandoned and what validated; what is to be rendered incontestable and what will remain controverted" (Orford 2006, p. 881).  Orford contrasts the voices of those who bear witness through such truth commission processes with those, such as the mothers of the Stolen Generations, whose losses cannot be spoken, whose past experiences of injustice cannot be repaired:

> This other, who puts us into question, is the victim who refuses to be saved, the subject who will not speak her suffering in the time and place and

languages offered to her by the mechanisms of transitional justice…. What protocols do we draw on to interpret her eloquent silence? (Orford 2006, p. 883)

At its heart my research is an attempt to understand and interpret this "eloquent silence" of the mothers of the Stolen Generations; in the following sections I will outline the theoretical and methodological approaches that I have drawn upon to do so.

## 'Contamination papers': issues around 'official' records

The difficulty of accurately identifying the number of Indigenous children removed from their families in the Stolen Generations era has been noted, in large part because of the lack of official records documenting child removals and the unreliability of state statistics about Indigenous populations (Read 2003, p. 155). Part of the difficulty in determining numbers of children removed is that Indigenous child removals were undertaken by a number of different agencies, including church bodies, welfare officers, the police, patrol officers, and Aboriginal Protection Board personnel, and no single office had oversight of removals at a state level. In addition, informal adoptions and other child transfer arrangements ofren took place without any paperwork (see for example UTS Transcript RP1; "Rose").

A number of Aboriginal research participants address the issue of the existence (or lack) of official records about their removal; they are aware that their perceptions of the reasons for their removal may differ from the "official version". One research participant comments:

> I realised that there was a white version, and then there was a black version of what actually happened to me….I realised that the white people had their own agenda, and they had changed my name and given their version of my circumstances to suit their agenda. ("Daisy", Female, p. 46)

Another research participant was informed by "the Welfare" that she was removed because of her parents' alcoholism, an explanation which she does not accept:

> ...I think I was separated from my family because my Dad was white and my mother was black, and in them days to have black children running around to a white man was not on.   (Female, SA, NLA TRC 5000/157, p. 6)

Some of the arrangements made for the care of Aboriginal children described by my research participants were informal, and there never was any "official" documentation created about them.  For example, one research participant's extended family agreed to care for her son when she was sent out to work, an option she preferred to placing him in the Mission dormitory.  This arrangement became permanent when she returned from her work assignment after 12 months to find him settled in his new family:

> Interviewer: ...I guess that there was never any formal paperwork....basically it just was an informal arrangement, and you never signed a paper to say they're going to look after him?
> Interviewee: No
> Interviewer: There wasn't anything like that?
> Interviewee: And so when I came back, I was happy that they took him because he was so integrated into that family.  But there was no formal adoption.
> Interviewer: No
> Interviewee: No formal adoption.  He took on their name, and that was a choice that he – because he fitted into that family – and I said "Fine."
> (Female, Qld, UTS Transcript RP1, p. 24)

A number of my research participants express scepticism about information held in the "official records" for a range of reasons.  Some people have incorrect or multiple dates of birth registered, their names were changed, or there was no record at all of their birth, and one research participant describes the practice in WA of attributing all Aboriginal children with a common birth date of 1 July in the

year they were born (Female, WA, NLA TRC 5000/278, p. 2) – so it is perhaps not surprising that there is little confidence in the "official records" amongst Aboriginal people removed as children:

> I don't take no notice from the native welfare files because they're liars, they're deceitful, they like to confuse people, not to connect people up with their families. That's all phooey…They're not worth having. It's really contamination papers. ("Evelyn", Female, WA, p. 62)

Choo has highlighted that the grief of Aboriginal mothers is also notably missing from official documentation; "…nowhere in the official records is this devastating impact of the policy clearly visible. The pain of Aboriginal women remains hidden in the official texts" (Choo 2001, p. 152).

## Oral history and the Stolen Generations

Issues around lack of records, access to records and concerns around the accuracy and reliability of those records that did exist, led me to focus on oral history accounts of child removal as the primary source of research material for my thesis. A detailed overview of the interviews I have analysed for my research is included under the *Research Participants* heading below.

Oral history has been described as a particularly appropriate methodology for telling Indigenous histories, which have their own long traditions of the oral transmission of knowledge; as Poff notes, "…oral tradition and story telling are still central to aboriginal personal and community identity" (Poff 2006, p. 27). Introducing their collaborative oral history project about the Ingelba community, Cohen & Somerville note that another advantage of oral history that makes it particularly appropriate for capturing Indigenous histories is that it expresses the ongoing and dynamic aspects of a culture rather than "ossifying" it in the past; "Written material about Aboriginal culture highlights a division between the past and the present while oral material emphasises continuity" (Cohen & Somerville 1990, p. xvi).

It has been noted that the only way we can "know" about historical events is through the information that is passed down to us (Young 1988, p. vii). However, oral history accounts (in common with other historical sources) are not objective "evidence" of the past, but rather are subjective constructions of one person's perspective and lived experience:

> ...historical discourse does not follow reality, it only signifies it; it asserts at every moment: this happened, but the meaning conveyed is only that someone is making that assertion. (Young 1988, p. 10)

As Goodall has noted, history is more appropriately viewed as a *process* rather than a set of "facts"; historical narratives such as the oral history interviews which form the basis of my research are "always unfinished and always contingent on the teller, their purpose, the context and the audience to whom they speak" (Goodall 2002, p. 12). Attwood has argued that Stolen Generations narratives should be viewed as "murky texts that require sophisticated techniques of reading" rather than being seen as providing "a transparent window onto the past" (Attwood 2001, p. 211).

Read has described history as a series of "big truths" and "little truths"; there are always "qualifications and anomalies and differences within the larger story" (Read 2002, pp. 54-55), and this is certainly true of the accounts provided by my research participants. There are, however, also conflicting accounts amongst my research participants that challenge the "big truth" about the removal of Aboriginal children, with sometimes very marked differences in the "facts" as described by Aboriginal and white research participants. In relation to conflicting versions of historical "facts" in people's accounts of past events, Young has argued that rather than seeing differences in narratives as "deviations from the 'truth'", we should recognise them as "part of the truth in any particular version"; there will be an "inevitable variance" in the perception and representation of "facts" from witness to witness (Young 1988, p. 32).

I have adopted key principles from these theoretical approaches in my analysis of transcripts of interviews with my research participants. I have focused on what the transcripts reveal about the perceptions of the research participants; how they perceive what happened to them; how they describe or justify the actions of themselves or others; what they believe motivated their behaviours or those of others; how they feel about their experiences.

## Oral history and human rights testimony

There are a number of uses to which people's life experiences recounted as an oral narrative are put, ranging from being viewed as a valued and valuable repository of a long tradition of oral knowledge-keeping, to being considered as "evidence" or "testimony" in human rights proceedings, being archived in "oral history" collections, or being used as the source material for written biographical and autobiographical accounts.

It should be noted that there is a obviously a difference between writing an autobiography and testifying at a human rights tribunal, or recording an oral history interview relating to a specific aspect of your life. The different contexts, audience (or perceived audience), questioner/interviewer and the narrator's sense of the legacy of their story will all impact on the way a life story gets told; in addition to many other factors such as the vagaries of memory, the association of experiences or ideas that might be meaningful to the narrator but not obviously so to the interviewer or listeners, the interviewee's perceptions about how the material may be used in the future, concerns about sensitivity and confidentiality; and so on.

In their study of the relationship between "life narratives" and human rights, Schaffer & Smith argue that the human rights framework attracts particular kinds of stories:

> ...strong, emotive stories often chronicling degradation, brutalization, exploitation, and physical violence; stories that testify to the denial of subjectivity and loss of group identities....Some stories, formerly locked in

silence, open wounds and re-trigger traumatic feelings once they are told. (Schaffer & Smith 2004, p. 4)

It has also been noted that testimony is a form of witnessing about painful events that appeals to many Indigenous people, particularly Elders, because of its structured nature, "its formality, context and sense of immediacy" (Tuhiwai Smith 2012, p. 145).

The idea of witnessing and testimony is a key theme in Young's thesis about narratives of the Holocaust. Narrators of historical events have the weight of testimony upon their words; however, Young argues that the more they try to emphasis the factual aspect of their narrative, the more they insert themselves into the narrative and emphasise that their "story" is being re-told (Young 1988, p. 25). The immediacy of being in the moment is inevitably lost; the narrative elements of constructing a linear story come in to play. Even while detailing the limitations of historical narratives, Young acknowledges their importance:

> The Holocaust survivor who continues to testify in narrative seems to have intuited the paradoxical knowledge that even though his words are no longer traces of the Holocaust, without his words, the Holocaust takes no form at all. (Young 1988, p. 38)

Containing an experience of suffering within a narrative account also imposes an order and coherence on the experience, which can relieve the trauma of the incomprehensibility of the experience to the narrator (Young 1988, p. 16), but which may provide a teleology that the original experience may not have had. In describing the terrible daily routines of the concentration camp, Levi reflects on the concept of "useless violence", the illogical nature of the extermination of the Jews, resulting in the maximum amount of waste and moral and physical suffering, intended only to degrade the victim and to thereby reduce the perpetrators' guilt (Levi 1988, p. 101); any recount runs the risk of giving this violence a meaning and purpose that it may never have possessed.

Why do some people feel a moral obligation to speak out and others remain silent? Young discusses the moral and legal basis to the idea of "testimony" and "witnessing", which he links to the moral sense within Jewish culture that one has a obligation to speak out about the wrongs that one has seen or heard about (Young 1988, p. 18). Witnessing can be problematic: survivors of the Holocaust, Levi argues, are not the true witnesses; the only "complete witnesses" are "the submerged"; the survivors can only "speak in their stead, by proxy" (Levi 1988, p 64).

Felman & Laub describe testimony as a two-way process, requiring both a speaker and a listener who are bonded together in a reciprocal relationship:

> Testimonies are not monologues; they cannot take place in solitude. The witnesses are talking to somebody: to somebody they have been waiting for for a long time. (Felman & Laub, 1992, pp. 70-1)

This perception of the act of testifying as a two-way process parallels an Aboriginal concept, *dadirri*, which Atkinson describes as "a deep contemplative process of 'listening to one another' in reciprocal relationships" (Atkinson 2002, p. 15). Miriam-Rose Ungunmerr-Baumann, who first wrote about the concept of *dadirri,* describes listening as a vital life-skill that Aboriginal people learn from an early age, but one that is not often reciprocated by white Australians:

> In our Aboriginal way, we learnt to listen from our earliest days. We could not live good and useful lives unless we listened. This was the normal way for us to learn - not by asking questions. We learnt by watching and listening, waiting and then acting….We have learned to speak the white man's language. We have listened to what he had to say. This learning and listening should go both ways. We would like people in Australia to take time to listen to us. (Ungunmerr-Baumann 2002)

For Kennedy & Wilson, the performative dimension of testimony is integral to understanding it – it is "an address and an appeal to a community" (Kennedy &

Wilson 2003, p. 127).  Again, I have applied these theoretical principles to my research, and attempted to listen deeply to the accounts of my research participants, to recognise the importance of the context in which they are speaking, their perception about who is listening and what the legacy of their testimony will be.

### The role of the Stolen Generations narrative

As Young's work on Holocaust narratives emphasises, narratives are an important source of historical information because they tell us how the storyteller makes sense of their world (Feldman et al 2004, p. 148).  As Riessman describes the process of narrative analysis:

> The methodological approach examines the informant's story and analyzes how it is put together, the linguistic and cultural resources it draws on, and how it persuades a listener of authenticity….why was the story told *that* way.  (Riessman 1993, p. 2, italics in original)

Drawing on structural narrative analysis,  it is postulated that certain stories have to be told a certain way to be recognised – there are certain conventions, tropes, archetypes and other narrative elements ("schemata") that a story must contain to be recognised as belonging within a certain genre (Franzosi 1998, p. 525). Franzosi describes the essential dimensions of a narrative as a temporal ordering of events, a logical sequence of progression, and the disruption of the initial state of equilibrium, sometimes referred to as a "reversal" or "a change of fortunes" (Franzosi 1998, pp. 520-521).  He highlights the epistemological advantage of narrative analysis as lying in the shift in analytical focus from variables to actors (Franzosi 1998, pp. 526-527).  In a similar vein to Ungunmerr-Baumann's approach of "deep listening", Feldman et al refer to the process of "digging deep" into narratives to gain insights, "not only into what is happening but also into the understandings of the participants about why and how it is happening" (Felman et al 2004, p. 150).

Attwood has identified "narrative accrual" taking place over time in stories about Aboriginal experiences of child removal, leading to the creation of what he has termed "the stolen generations narrative" (Attwood 2001, p. 183).  Attwood argues that as the construction of the Stolen Generations narrative has progressed and evolved, earlier accounts which mentioned "pleasant times" and "funny stories" about the narrators' experiences subsequent to child removal have been suppressed, and the dominant narrative has instead focused on the "harsher and accusing" accounts that represent child removal as an unremitting evil (Attwood 2001, p. 199).  In terms of the many accounts of child removal I have read from the interviews with my research participants, while it would be true to say that the majority have more negative than positive accounts of the impact of their removal, there is a wide range and diversity of experiences recorded, and a range of views expressed about the practice of child removal even from within the group of Aboriginal research participants most impacted by it.

While I would agree with Attwood's analysis that perceptions about what it means to be part of the "Stolen Generations" can limit our consideration of the diversity of child removal practices, and have over-simplified our understanding of what constitutes inappropriate child removal to a constantly debated and ever-narrowing set of circumstances (see Appendix 4 for further analysis of this issue), I would disagree with his argument that "changes in the narrative have seriously undermined the truth claims it has been making" (Attwood 2001, p. 209).  Rather, as Denzin argues:

> ...no permanent telling of a story can be given.  There are only always different versions of different, not the same, stories, even when the same site is studied. (Denzin 1994, p. 506)

Rather than seeing changes in the way individuals tell their story over time and in different contexts as diminishing the storyteller's credibility, I would argue that these changes reflect the authenticity of the claims, as no story is ever told the same way twice unless it has been rehearsed and edited.  It is not surprising when a person is being interviewed as part of an oral history collection about the Stolen

Generations, that individuals would tell the story of their life with their experience of removal from their family featuring as a defining moment around which all other aspects of their life subsequently revolve.

Young identifies the heroic survivor in Holocaust narratives - a survivor is someone who, by definition, resisted (Young 1988, p. 30). The idea of the "heroic" survivor implies the existence of its corollary, the unheroic non-survivors; we see evidence of this thinking in critiques of Jewish Holocaust victims having "the passivity of lambs to the slaughter" (Wajnryb 2001, p. 226). This categorisation of Jewish people in the context of the Holocaust as being somehow complicit in their own genocide leads me to reflect on the idea of "good" and "bad" victims in the context of Stolen Generations narratives. Removed children were "innocent" and "blameless" and hence represent "good" victims, whereas their parents - particularly their mothers, who typically had the responsibilities of primary care for them – are seen more ambivalently because they "failed" in their duty of care to protect their children, in addition to white categorisations of their other "failings" as Aboriginal parents – that they were neglectful, alcoholic, infanticidal, etc. They are categorised as "bad" or at best "ambivalent" victims, when they are seen as victims at all; their own actions are seen to have contributed to the removal of their children, and they are seen therefore as less deserving of sympathy or redress, and as having abrogated the right to raise their children.

### Interviewee agency

The issue of interviewee agency in the oral history process also needs to be acknowledged. A number of my research participants clearly wanted to tell their story in a particular way that was most meaningful to them, and sometimes resisted the narrative structure that the interviewer was trying to impose on them. There were also interviewees who refused to consider their experiences through the particular lens that an interviewer was offering them. For example, one research participant resisted a number of attempts by the interviewer to get him to describe the good things he remembered about his life on the mission ("Bruce", Male, WA, pp. 14-16).

As this example highlights, one also needs to be aware of the role the interviewer plays in oral history in shaping narratives, emphasising particular aspects of a person's experience, asking questions to draw out particular issues, and even in some cases being surprised or uncertain when the story they are being told doesn't "fit" the model they are seeking, all contributing to what an interviewee might choose to say or omit saying. Examples of all these interviewer interventions and more are evident in the NLA's oral history collection, and I am sure they are also evident in the interviews I personally conducted.

Having explored some key methodological issues relating to oral history narratives, I now turn to outlining my research methods and providing an in-depth analysis of the data on which my research is based.

## Research Methods

My research has included the following components:

- Identifying key issues in the academic literature re the Stolen Generations, gender, race, motherhood, silence and human rights.

- Analysis of 130 interviews in the *BTH* Oral History Project of the NLA.

- Four personally conducted interviews: one with a mother who had had two children removed in the early 1960s; one with a woman who was herself removed as a child about her experiences as a mother; and two with people from community organisations working with members of the Stolen Generations.

- Document analysis – autobiographical and biographical narratives written by and about Aboriginal women, with particular reference to accounts written by Aboriginal mothers and/or those involving accounts of experiences of child removal.

- In addition, I have considered accounts of Aboriginal child removal and Aboriginal mothers' experiences from other sources, including excerpts contained within the *Bringing Them Home* Report and from various anthologies and oral history collections, as well as letters, records, etc. reproduced in secondary sources that were relevant to my research topic.

- Legislative and policy analysis including the Aboriginal Protection legislation enacted in every state and territory except Tasmania, as well as a number of social security acts, and the international human rights covenants which make reference to child rights or parental rights.

My research is primarily based on my thematic analysis of 134 oral history interviews, 130 of which were drawn from the National Library of Australia's *Bringing Them Home Oral History Collection*, and four of which I undertook myself. Time constraints meant I was unable to listen to the sound recordings of all these interviews. My analysis is therefore based on transcripts of these interviews. This analysis identified patterns and commonalities between the accounts as well as points of difference or "outlier" accounts.

It is symptomatic of the very issues at the heart of this thesis that after two years of research and liaison with community groups to identify research participants I had only conducted four interviews, and only one of my research participants was from my key research group, Aboriginal mothers who had experienced the removal of children during the Stolen Generations era. Around this time I received feedback from members of the Stolen Generations Alliance about "research fatigue" amongst members of the Stolen Generations (see Community Engagement below for further details), so I decided to shift my research approach from collecting my own data to analysing material already collected in the National Library of Australia's *Bringing Them Home Oral History Collection*.

Despite initial concerns that I would have little source material to investigate, I have identified a significant amount of information about the experiences of Aboriginal mothers during the Stolen Generations era, but there remains reticence by the mothers of the Stolen Generations to speak about their experiences. An active search has been necessary to find this data, in part because resources pertaining to the Stolen Generations have usually not been collected with the aim of capturing the experiences of Aboriginal parents. For example, all of the interviews with Aboriginal mothers that I have accessed in the NLA collection were provided by women who were themselves removed as children. There is no

categorization of interviews in the NLA collection into groups such as "parent" / "mother" or "removed child", which made it more challenging to find Aboriginal mothers' accounts of their experiences of child removal.

Analysis of the structural disadvantages experienced by Aboriginal mothers in the Stolen Generations era has been an important aspect of my research. Black sociologist Joyce A. Ladner called on feminist researchers exploring issues of race to redefine the "problem" they were investigating (Ladner 1987, p. 77), a call echoed by Linda Tuhiwai Smith who argues that "...many researchers, even those with the best of intentions, frame their research in ways that assume that the locus of a particular research problem lies with the indigenous individual or community rather than with other social or structural issues" (Tuhiwai Smith 2012, p. 95). Rather than seeing child removal as arising from the "problem" of Aboriginal parenting, my research has focused on identifying and exploring the structural barriers experienced by Aboriginal mothers in the Stolen Generations era, highlighting the impact of institutionalised racism expressed through legislation and the policies implemented by welfare agencies, government departments, mission officials and others involved in the administration of Aboriginal affairs at this time.

### Research Questions

My research was shaped by the following questions:

- Why is the forcible removal of Aboriginal children from their families seen primarily as a violation of the rights of the children, rather than also as a violation of the parent/s' rights?
- What does this construction tell us about attitudes towards Aboriginal parents, particularly Aboriginal mothers?
- What rights did Aboriginal parents have to protest against the removal of their children at the time of their removal and how did they exercise these rights?
- Why have the mothers of the Stolen Generations not spoken about their experiences or participated in the inquiries that have been undertaken to

date?  Has it been because of barriers to their participation, how the issue has been conceptualised / constructed, because of ongoing hostility to Indigenous parenting, or for other reasons?

- What can we learn from the case of the Stolen Generations about recognising the violations of the rights of mothers in the investigation of human rights abuses?

## 'European eyes': white researchers undertaking research on Indigenous issues

As a white Australian feminist, and as someone who has myself been actively involved in reconciliation processes within Australia, I am aware of "the need for researchers to consciously present their subject position and their relationship to the material" (Russell 2007, p. 19).  For the past eight years I have worked primarily as a researcher, exploring issues relating to gender and human rights; prior to that I worked for many years in the area of equal employment opportunity, and was involved in developing and implementing Aboriginal employment strategies and institutional Reconciliation Action Plans, work that exposed me first-hand to some of the fundamental inequities that Indigenous Australians continue to face in their everyday lives.  After more than two decades of personal involvement in reconciliation initiatives in Australia, I have attempted to come to this topic with fresh and critical eyes, and to understand the emergence of concern about the Stolen Generations within the broader context of international developments within transitional justice and attempts to deal with historic injustice.  My aim was to bring new insights to the case of the Stolen Generations through conceptualising Indigenous child removals as a violation of the rights of Indigenous mothers; this was not intended to downplay the very real and well-documented harms done to Indigenous children in the Stolen Generations era, but to change the focus of analysis in the hope of generating new insights and understandings.

In *Decolonizing Methodologies*, Linda Tuhiwai Smith expressed the view of Indigenous peoples "that research has been a process that exploits indigenous peoples, their culture, their knowledge and their resources" (Tuhiwai Smith 2012, p. xi).  Tuhiwai Smith argues that researchers "must go further than simply

recognizing personal beliefs and assumptions, and the effect they have when interacting with people" (Tuhiwai Smith 2012, p. 175).  Other Indigenous theorists have questioned the motives of Western academics wishing to engage with Indigenous communities, arguing that "The desire for shared talk is, at its core, a desire for the dominant/colonizer group to engage in some benevolent action….It is the colonizer, wishing to hear, who calls for dialogue" (Jones & Jenkins 2008, p. 478). We are reminded that

> The modernist project of mapping the world, rendering it visible and understood, that is, accessible, is an expression of a Western Enlightenment desire for coherence, authorization, and control.  It can also be seen as central to liberal White desire for racial harmony, collaboration, and understanding. (Jones & Jenkins 2008, p. 482)

Assumptions about what is knowable to a non-Indigenous researcher, and who has the right to know, are also critical; Nakata observes that non-Indigenous research about Indigenous peoples runs the risk of only charting the surface level of knowledge, and not being able to "illuminate the shadowy corners" (Nakata 2007, p. 2).

One of my research participants describes the mindset of white Australians working as missionaries and public servants in the Stolen Generations era, viewing the issues confronting Aboriginal people living in poverty and deprivation through their "European eyes" ("Harold", Male, ACT, p. 10).  White feminist researcher Michelle Fine notes that the aim of surfacing subjugated voices runs the risk of "imperialist translation", which results in "othering" the voices you are trying to hear (Fine 1994, p. 81).  She argues that our research aim should be to listen rather than trying to speak on the behalf of research participants (Fine 1994, p. 7). Kennedy & Wilson, non-Indigenous researchers writing about Stolen Generations testimony, highlight that a reader's response to testimony "is complicated by cultural difference and the legacies of colonialism and racism" (Kennedy & Wilson 2003, p. 120).  Patti Lather's work with women with HIV/AIDS incorporates her attempt to blur the distinctions "between we/they, researcher/researched,

reader/writer" (Lather 1995, p. 60). Noting her own privileged status as a non-HIV positive woman, she offers insights into the limitations of her outsider status and powerfully highlights the issues for her research participants: "The weight of the indignity of being studied, the violence of objectification required by turning another's life into information for academic trade" (Lather 1995, pp 50-51). Behar describes this dilemma from the perspective of the researcher:

> ...as a story-teller opens her heart to a story listener, recounting hurts that cut deep and raw into the gullies of the self, do you, the observer, stay behind the lens of the camera, switch on the tape recorder, keep pen in hand? Are there limits - of respect, piety, pathos - that should not be crossed, even to leave a record? But if you can't stop the horror, shouldn't you at least document it? (Behar 1996, p. 2).

These are valuable cautions which I have attempted to apply to my own work, leading to a reassessment of my research goals. My research is therefore now as much a study of white laws, policies, institutions and attitudes as it is an examination of Indigenous experiences. Examining the history of Australian policies and attitudes towards Aboriginal motherhood tells us as much if not more about white society. Racial categorisations do not exist in isolation but are defined in relationship to "the other"; in defining a group, who is excluded and how the boundaries are policed are as important as who is included. My research does not focus on Aboriginal mothers alone, but explores the interrelationships between white and Aboriginal mothers, and how white motherhood has been constructed in Australia in opposition to black motherhood.

Despite the belief of early feminist researchers that feminist oral history would be research "by, for and about women", I am aware that the power differentials between "the researched" and the researcher reveal "the potential for appropriation hiding under the comforting rationale of empowerment" (Gluck and Patai 1991, p. 2). Fine has argued, however, that it is important for white women to be involved in critical conversations about race and racism (Fine 1994, p. 81); I believe this to be true, not least because learning more about this history helps us

to recognise the ways in which white women in Australia have participated in the oppression of Aboriginal women, and the ongoing impact of our legacy of white privilege today.

## Ethical issues

My research has involved significant ethical issues. I was conscious that in the process of collecting oral history interviews with people who had experienced child removal, I would be asking research participants to recall sensitive and distressing information that would inherently involve the risk of emotional hurt and distress to participants.

In her introduction to *Many Voices*, Mellor & Haebich's history of the Stolen Generations based on the *NLA's Bringing Them Home* Oral History Collection, Jackie Huggins emphasises "It is indeed an act of great courage and trust to speak about matters that are so close to the heart, and to allow others to explore and consider what has been revealed" (Mellor & Haebich 2002, p. 3). Judith Stacey has highlighted the inequalities and betrayals that are perhaps an endemic feature of the researcher/researched relationship, describing how the intimate details of research participants' lives are "ultimately data - grist for the ethnographic mill, a mill that has a truly grinding power" (Stacey 1991, p. 113).

A key ethical issue for my research has been how to attempt to mitigate these very real problems. I have therefore attempted to ensure the confidentiality of research participants, particularly where this is of concern to them. In the case of the interviews I conducted myself, two people I interviewed wished to remain anonymous whereas two were happy to have their name attached to their interviews. Participants whom I personally interviewed were sent a transcript of their interview and were given full opportunity to make any amendments or corrections at an early stage of the research process; I worked with those who expressed concerns about their confidentiality to ensure that their interviews were fully de-identified. Research participants whose transcripts were held in the National Library of Australia had either previously consented for their interviews

to be "open" for research and public use[6], or had consented for the interviews to be "open" for research but that further permission was required for public use. Staff at the National Library of Australia liaised with these interviewees in an effort to obtain consent. Due to the passage of time since the interviews were collected, a number of interviewees were not able to be contacted, and on the advice of the National Library pseudonyms have been created to protect the identity of these people and the details of their interview transcripts have not been included in citations; however the Oral History and Folklore Branch at the National Library of Australia has the full list of all the interviewees and can provide further details on request.

It was evident from the academic literature and from the experiences of some of my research participants who had also participated in the *Bringing Them* Home Inquiry that some people have significant concerns about the way their testimony is used in other contexts subsequent to them testifying (see Chapter 5 under the heading "Opening wounds" for further discussion of this issue). Out of respect for these concerns, I decided to de-identify all of my research participants when quoting from their interview transcripts in this thesis, although I have provided some basic demographic information such as each research participant's sex and state of birth as I believe this adds an important contextual dimension to the research participants' experiences and perspectives. A full list of research participants is provided after the appendices.

Ethics approval for my research was sought at the very outset of my candidature, due to the sensitive nature of my research topic. The UTS Ethics Committee granted approval of my research application in mid-2012. I developed a consent form and actively considered the intercultural dimensions of my research. I consulted extensively with Indigenous academic staff at UTS to obtain their feedback and input into my proposed research design and methods before commencing any interviews.

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[6] The definition of "public use" includes the interview being quoted in a thesis.

## Community engagement

I contacted a number of key community organisations involved in providing services and support to members of the Stolen Generations at the commencement of my candidature, advising them of my proposed research and offering the opportunity for feedback, input or participation. I contacted Link-Up NSW and the NSW Convenors of the Stolen Generations Alliance, the two key representative groups of the Stolen Generations in NSW. I also contacted a number of other community groups working on Stolen Generations issues, including Reconciliation Australia, the National Sorry Day Committee and the Healing Foundation, advising them of my research, inviting them to comment and/or to be further involved as they saw appropriate. I received responses from all of these organisations except the National Sorry Day Committee; responses ranged from requests for further information and/or clarification to expressions of in-principle support for my research. No community group, however, expressed interest in ongoing involvement as a research partner. This is not surprising as community organisations exist to provide services to their stakeholders rather than to support the work of researchers.

In addition to my engagement with key community organisations working on Stolen Generations issues, I also drew upon the community of Indigenous colleagues at UTS, who provided invaluable feedback and support in shaping my research and putting me in touch with individuals who were interested in my research and willing to be interviewed.

In November 2013 I was invited by the NSW Co-Convenor of the Stolen Generations Alliance to attend the organisation's AGM in Sydney, the culmination of over a year's worth of relationship-building to receive this entré to the group. At this meeting, I outlined my proposed research to those in attendance and received detailed feedback, ranging from offers of assistance and support to criticism of my intended research and my capacity as a white researcher to undertake it. One attendee strongly expressed the view that members of the Stolen Generations were sick of white researchers undertaking research about them, and that this was not my story to tell; others had concerns about my cultural capacity to interview

Indigenous women about such sensitive and personal issues.  My presentation raised for this group the need to develop a protocol for how to handle future requests from researchers to undertake work on Stolen Generations issues.

In sociological theory the idea of a "lacuna" or gap is seen as an important indicator that points to an issue that has not been addressed or cannot be spoken about. Sometimes communities can silence people within them from speaking on particular issues – for example, the case of the so-called Korean "comfort women", who maintained a decades-long silence about their experiences of forced prostitution due to community hostility and their own feelings of shame before beginning to speak about their experiences (see Chapter 1 for further details).  It is important to be aware that most of the community-based organisations providing support and services to members of the Stolen Generations were formed by and for adults who were themselves removed as children, and mothers who experienced child removal are not necessarily represented or actively involved in these groups.  It is clear from my research that some Aboriginal people who were removed as children retain deeply ambivalent feelings towards their mothers, particularly in relation to their mothers' role in their removal (see Chapter 5 for further details).  Hammersley reminds us that the requirements of undertaking rigorous academic research will at times put us at odds with community groups which have a stake in the topic being researched (Hammersley 2011, p. 184).  It is also important to acknowledge that a diversity of views exist within and between Indigenous Australians and, as the *AIATSIS Guidelines for Ethical Research in Australian Indigenous Studies* note, not to presume "that the view of one group represents the collective view of the community" (AIATSIS 2011, p. 5).

I have reflected long and deeply on the feedback I received from members of the Stolen Generations Alliance, both positive and negative, as well as feedback (overwhelmingly positive) that I received from other community organisations. Taking on board the comments about research-fatigue amongst members of the Stolen Generations, as well as concerns about cross-cultural sensitivities, I made a significant change in my research methods, letting go of my original idea of collecting a series of oral history interviews myself and deciding instead to focus

on research material that had already been collected by the National Library of Australia. The feedback I received from members of the Stolen Generations Alliance has also led me to focus more on parts of this history that might be more legitimately seen as my story to tell, such as the role of white Australians in the Stolen Generations era, the interrelationship between ideas about white and Aboriginal motherhood, the perceptions of white participants involved in Aboriginal child removal, the failure of Western human rights processes such as the *BTH* Inquiry to accommodate Indigenous mothers' stories and experiences, and the continued denialism by some members of the white Australian community about whether there ever was a "Stolen Generations". Like gender, race does not exist in a vacuum, but is constructed in relationship to perceptions of the "other/s"; it is not possible to tell only "one side" of this story, but rather one must examine the dynamic interaction of ideas about "black/Aboriginal" and "white" identities and how they shaped and were shaped by perceptions of "the other".

At the heart of some of the concerns that were raised by members of the Stolen Generations Alliance were questions about the appropriateness of myself as a white researcher undertaking research on the Stolen Generations. Nakata has identified an "unfortunate emphasis on 'who can know' rather than 'what can be known'" within standpoint theory (Nakata 2007, p. 215); this suggests that my concern as a white researcher working on Indigenous issues should not be the appropriateness or otherwise of my cultural background to the topic being researched, but the importance of my having a self-awareness that there are aspects of cultural understanding and knowledge that I as a non-Indigenous researcher will necessarily be lacking, or that community members may not be willing to share with me. Nakata comments that in researching the Indigenous "other", we are ultimately learning more about the limits of our own knowledge practices; this, he states, may be "the most valuable exercise of all" (Nakata 2007, p. 225).

While acknowledging that not everybody from within the key community organisations saw the need for or desirability of my exploration of the experiences of Aboriginal mothers in the Stolen Generations era, I believed that there was a

need to balance these views with those of my research participants, who either volunteered their time to be interviewed by me about their experiences of child removal, or who consented to be part of the NLA's oral history project, and then separately provided their consent to allow me to access and quote from their interviews in my thesis. There are also those such as Heather Vicenti who have published detailed autobiographical narratives about their experiences as mothers who have had a child or children removed, who clearly wish a wider audience to know about their experiences; indeed Vicenti describes her motivations in publishing her story being to raise awareness and to prevent future repetition of Indigenous child removals (Vicenti & Dickman 2008, p. 196). I felt there was sufficient support expressed for my research, both generally by community organisations which I contacted and specifically by individuals who had personally lived through the experience of having a child or children removed, for it to proceed. I am also drawn to Peter Read's observation when pondering the publication of potentially controversial material about the Stolen Generations (such as Read's 2009 biographical narrative about Joy Williams), that "Our clear task as historians is to advance historical knowledge and understanding, including that in areas where not much currently exists" (Read 2002, p. 60).

One unfortunate consequence of the change in my methodology was that I was unable to have direct contact with the research participants whose transcripts I analysed from the *Bringing Them Home* Oral History Collection. All of my contact with this group has been mediated by the National Library of Australia, who due to privacy requirements relayed my requests to research participants and relayed their responses to me. While I am satisfied that I have met the AIATSIS criteria that all research participants have been properly and fully informed about my research project, and have had the opportunity to make an informed decision about their own involvement (AIATSIS 2011, p. 11), I have not had the direct engagement and dialogue with this group of research participants that I would have preferred. The National Library did relay to me comments they received from research participants, including in one case a generous offer from a research participant to share the outcomes from his own research into his mother's history (Felton 2016, pers.comm. 25 Feb).

## Reciprocity

Whilst I believe I have actively sought meaningful engagement with members of the community I am researching, and have responded to community feedback about my research, there remains the challenge of meeting the requirement for reciprocity (AIATSIS 2011, p. 4).  Hammersley persuasively argues that the capacity of academics to be involved in the practical response to the issues they investigate is limited (Hammersley 2011, p. 179), and I believe that it is easy to overstate claims about the direct reciprocal benefits of academic research to Indigenous communities.  Nonetheless, I have undertaken to write to the community organisations that I originally consulted about my research, advising them of the outcomes and providing a copy of my findings.  I have also undertaken to share my findings with the research participants whom I interviewed myself, and provide a summary of key findings for the National Library of Australia to circulate to those research participants who kindly consented to the use of excerpts from their transcripts in my thesis; and to respond to any questions, concerns or comments that may be identified through these processes.

In terms of a wider benefit, in focusing on the experiences of Aboriginal mothers my research documents a previously under-researched aspect of the history of the Stolen Generations.   I continue to believe that learning more about the experiences of Aboriginal mothers who experienced child removal will deepen our understanding of this era of Australian history.  These stories are of course already known to those most deeply affected; many members of the Aboriginal community have decades of intimate knowledge and lived experience of the impact of child removal policies and practices on their families.  However, the history of the Stolen Generations has been at times a contested history, and I believe my research will add an important and often overlooked perspective to our understanding of this era.  I am hoping that my research may have its most meaningful impact in challenging white community attitudes and beliefs in relation to Aboriginal mothers, and in emphasising the need for human rights inquiry processes to identify and address the impact of human rights violations more broadly, to ensure that all parties whose rights have been violated can participate and be heard.

## Research participants

In terms of the interviews I conducted myself, research participants were primarily identified through personal contacts I had developed with the Aboriginal community through many years involvement in both Aboriginal employment and Reconciliation initiatives. Three of these interviews involved the recording of an in-depth interview lasting between 1-3 hours. In the case of one research participant, an Aboriginal mother who had experienced child removal, I have maintained ongoing dialogue and engagement with this research participant, and she read and commented on a draft of several chapters of my thesis that contained excerpts from her interview. In the case of another research participant, an Aboriginal woman who had been removed as a child, we initially met for several hours and I took detailed notes of our meeting but did not record it; this research participant chose not to take up further invitations to meet or to have an interview officially recorded and transcribed. All research participants were sent either notes of a our meeting or a transcription of their recorded interview, and were invited to make comments and corrections.

As I have detailed above, the bulk of the interviews I analysed were drawn from the National Library of Australia's *Bringing Them Home Oral History* Project. Initially this oral history project, which was the outcome of Recommendation 1 of the *BTH* Inquiry, was only intended to include the testimonies of Indigenous people (HREOC 1997, p. 651). It was however implemented under the conservative Howard government, and then Minister for Aboriginal Affairs John Herron insisted that the collection be broadened out to include white perspectives on child removal (HREOC 2000, p. 9). The NLA's *Bringing Them Home* Project therefore comprises 340 interviews, "conducted with families and children who experienced separation, as well as with those who cared for them, worked in institutions, and were involved with administration, policy and implementation in a professional capacity....The aim of the project was to record the diverse experiences of people directly affected by Indigenous child separation and to shed light on the policy and legislative frameworks that supported the separations" (NLA 1998). Mellor & Haebich describe the "general rule of thumb for identifying Indigenous people to be interviewed" for the Project was that "their particular

experience involved separations carried out without the approval of Indigenous parents or guardians" (Mellor & Haebich 2002, p. 6).

I searched the NLA *BTH* collection using the term "Aboriginal mother"; this search identified approximately 140 interviews. I have read and analysed 130 of these interviews, which comprise 38% of the NLA's *BTH* Oral History Collection; the remaining interviews identified by my search had either not been transcribed or the interview was listed as not currently open for research access.

A series of tables based on information drawn from my research data is outlined in Appendix 2. Table 1 provides an overview of my research participants, by category (mother, removed child, person involved in the removal process, community organisation representative, and other), indicating whether or not the research participant identified as an Aboriginal or Torres Strait Islander person, their sex, and the state in which they were living in at the time of removal or, for people involved in the removal process, the state they were living in during their involvement in Indigenous child removal. As child removal legislation and practices differed from state to state, the geographical location of the research participants was highly pertinent; and as I have argued elsewhere (see Payne, 2010), gender was a major factor in Indigenous child removal, hence the importance of including these lens of analyses. Although there were 130 discrete interviews from the NLA, and four interviews I undertook personally, some of the research participants fell into multiple categories, therefore Table 1 shows a total of 139 research participants. 89% of my research participants were Indigenous; 63% were female; and there was representation from every state and territory, though admittedly very small numbers from the ACT (1) and Tasmania (2).

### Mothers who experienced removal of their children.

There are nine Aboriginal research participants who relate their experiences as mothers of having a child or children removed from their care, in a diverse range of circumstances. Eight of these interviews are drawn from the NLA *BTH* Collection, and one I collected myself. Table 2 provides an overview of research participants in this category. It is important to note that not all of the child

removals experienced by mothers in this group occurred during the Stolen Generations era, which is officially seen as ending in 1969 when the last of the state legislation allowing for removal of Indigenous children under Aboriginal "protection" policies was repealed (AHRC undated (a)). Two of my research participants were mothers who experienced child removal in the early years of the 1970s. I have included their experiences in part because of the difficulty in obtaining Aboriginal mothers' perspectives on their experiences of child removal; but also because I believe there is a continuum of child removal policies and practices that did not neatly end on the date when new legislation was enacted. Haebich argues that the early 1970s marked a period of continuity in the use of child removal strategies by mainstream welfare services, because they had not yet fully addressed the gap in service provision to Aboriginal communities caused by the dismantling of separate Aboriginal welfare agencies in the 1960s (Haebich 2000, p. 33).

The nine interviews with Aboriginal mothers that I have considered highlight the range of circumstances in which Aboriginal children were removed from their parents' care, and the diversity of care arrangements that removed children subsequently experienced. Of the 24 children who were removed from these nine mothers either temporarily or permanently, nine were fostered by white families; eight were sent to mission dormitories; three were adopted; two were in the custody of their father; one was fostered by Aboriginal family members; and one was temporarily placed in a children's home.

75% (18) of the children were removed permanently, i.e. their mother no longer had custody of them and in many cases did not see them again until they were adults. 25% (6) of the children were placed in temporary care but were eventually returned to their mothers while still children.

It is important to highlight that two-thirds of the mothers in this group had other children, either older or younger than the removed child or children, who were not removed and who they were able to raise themselves. This poses significant issues about the policy and practices of child removal; the same mothers who were

unable to - or who were seen as unfit to - care for some children, were allowed (or found a way) to raise other children.

Two-thirds of these mothers were single parents at the time their child or children were removed, highlighting the vulnerability of single Aboriginal mothers to child removal. However, having a partner or husband was no guarantee for Aboriginal mothers against child removal; the remaining one third of the mothers among my research participants who describe their relationship status as married were living on Aboriginal missions, and lost custody of their children either due to the requirement that they go off the mission to work, or because mission policy dictated that all children were placed in the mission dormitory once they reached a certain age.

One very striking detail about my research participants is that none of the nine mothers who experienced child removal were themselves raised by their own mother. Four of the research participants were removed and raised in dormitories on Aboriginal missions; one was raised by her Aboriginal grandparents because her mother was sent out to work; one was informally fostered by another Aboriginal family after her mother's death because her father was unable to care for her; one was placed in a children's home; one was fostered by a white family; one experienced a number of moves between institutional and foster care. It should be noted here that my sample of mothers is likely to have a bias resulting in the over-representation of people who were themselves removed; as the National Library of Australia's *Bringing Them Home Oral History* Project was primarily focused on collecting the experiences of people who were removed as children, it is perhaps not surprising that the majority of research participants drawn from the NLA collection who experienced removal of their own children were also themselves removed as children. Nevertheless, it is very striking that all of the mothers in my sample did not have their own mother as their primary carer, and it is a statistic that speaks to the extent to which child removal has impacted inter-generationally through Aboriginal families and communities.

Just over half of the mothers who experienced child removal among my research participants (5) identified that both of their parents were Aboriginal people; four mothers indicated that their own mothers were Aboriginal, but their fathers were either white or from another non-Aboriginal ethnic background.

In terms of the geographical spread of this group of research participants, four were from Queensland, two from Western Australia, two from New South Wales, and one from South Australia. It is unfortunate that I was unable to obtain any interviews from mothers who were living in the Northern Territory, though less surprising in the case of Victoria and Tasmania, where child removals were more likely to follow mainstream child welfare processes and where, I suspect, Aboriginal mothers may have been less likely to see their experiences as relevant to a collection focusing on "Stolen Generations" stories.

### Research participants who were removed as children

Tables 3, 4 and 5 provide an overview of research participants who were removed as children, analysed by sex, state, decade of removal, and where the child was removed to, i.e. an institution, foster care, adoption, or another type of care – the category "other" includes boarding schools and hospitals, and also cases where children were moved multiple times between different care arrangements to the extent that it was not possible to determine that the majority of their time was spent in any one type of care. The *BTH* Report noted that only 39.4% of removed children interviewed by the Inquiry remained in either a single institution or in a stable foster or adoptive care arrangement (HREOC, 1997: 153), and frequent changes in care arrangements were also described by a number of my research participants; in an extreme example one of my research participants reported 14 different care arrangements during his childhood (Male, QLD, NLA TRC 5000/69).

Analysis of removals experienced by my research participants by state, gender, age at removal, decade of removal and place where child was removed to highlights some interesting trends (see Tables 3, 4 and 5 in Appendix 2). In NSW, male research participants removed as children were twice as likely to end up in institutions as girls (86% of boys compared to 43% of girls); girls in NSW were as

likely to be adopted or fostered as institutionalised, though Table 5 demonstrates that as a general trend in NSW, children were most likely to be institutionalised prior to the 1950s, after which adoption or fostering became more prevalent. Researchers have identified a change in government approaches to Indigenous families from the 1950s, with the focus shifting from segregation to assimilation (Goodall 1995); this might have also reflected changing perceptions of what constituted good practice in the care of children, with the influential work of John Bowlby on attachment theory based on his work with "homeless children" in post-war Europe starting to have an impact (Bowlby 1952). If this was indeed the case in NSW, the practice of removing Aboriginal children into institutional care was certainly slower to change in other states, particularly in the Northern Territory, and Queensland, where all of my research participants removed as children were placed in institutional care up until the 1960s. One NSW research participant removed as a child in the 1950s who worked as an adult for the community organisation Link-Up ascribed a financial motive to these changing practices, arguing that fostering and adoption were cheaper options than institutional care (Female, NSW, NLA TRC 5000/246, p. 4).

In the Northern Territory, Queensland, South Australia and Western Australia, placement in an institution was by far the most common outcome of child removal for my research participants; the few adoptions, foster care or "other" arrangements put in place in these states only occurred from the 1950s onwards. In Victoria and Tasmania, where as already highlighted segregated institutions for Aboriginal children were not established, Aboriginal children were more likely to be adopted or fostered (67%) than institutionalised (33%), though it should be noted that this is based on a very small sample of 5 research participants. (It should also be noted that the two research participants from Victoria who were institutionalised were placed in "mainstream" children's orphanages). Overall, 70% of female research participants and 73% of male research participants in my sample who were removed as children ended up in institutional care, primarily in Aboriginal-designated institutions that were segregated from "mainstream" orphanages or facilities.

In terms of the type of institution Aboriginal children were removed to, this varied significantly from state to state, as Haebich outlines:

> Victoria and Tasmania sent all children to child welfare institutions. New South Wales ran three major Aboriginal children's homes and provided dormitory accommodation on some managed stations. Western Australia, Queensland and the Northern Territory opted principally for children's compounds within multi-purpose state or mission institutions; and South Australia sent children to child welfare institutions, Aboriginal children's homes and missions. In all states, some very fair-skinned children were sent to child welfare homes. (Haebich 2000, pp. 344-5)

In terms of age at time of removal, children under 12 were most likely to be removed; only 4 research participants, all girls, were removed in their teenage years. Just over half of the research participants were aged under five years at the time of their removal from their homes, though there is a significant gender difference: 49% of girls and 58% of boys were removed aged under 5 years. 43% of girls were aged between 5-11 years at their time of removal, compared to 25% of boys. For boys, their chance of removal appears to have diminished significantly as they grew older, possibly due to the intersection of racial and gender-based stereotypes about their capacity for education and the ready availability of other work options to them. For girls, as has been identified in other studies (Goodall 1990, Manne 2004), pre-pubescent girls were a prime target of removal practices as part of government strategies to reduce and control the growing "half caste" population.

Of the research participants who were removed as children, their year of removal ranges from 1910 to 1973. Not surprisingly, most of my research participants were removed in the 1930s (17.8%), 1940s (29.7%), 1950s (22.8%) and 1960s (11.8%) (see Figure 1 below). There are relatively small numbers of research participants who were removed in the 1910s (3%) and 1920s (4%); these people would have been aged 80 years and over at the time the NLA collected the BTH interviews in early 2000, and given Indigenous life expectancy rates are

significantly lower than the general Australian population[7] it is not surprising that people removed during this era form less than 10% of the total sample. Similarly, as the NLA were specifically collecting interviews from people removed during the Stolen Generations era, deemed to have "ended" in 1969, only 4% of my research participants were removed in the early 1970s: this figure is not necessarily representative of a smaller number of Indigenous children being removed in this era, but possibly reflects that only a small number of people removed in the 1970s would have identified their removal as being part of the "Stolen Generations" experience. 6.9% of research participants did not specify the date of their removal.

**Figure 1: Percentage of research participants removed as children, by decade of removal**
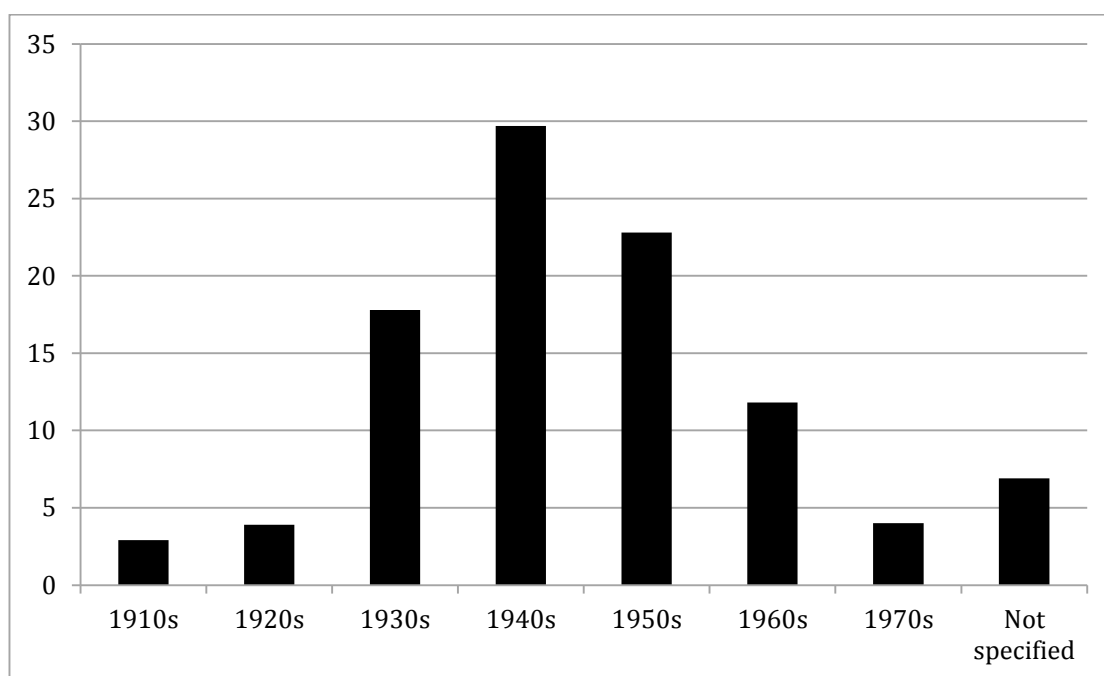


As Figure 2 demonstrates, a significant majority of research participants who were removed as children in the period between 1930-1959 were female. Overall, women made up 60% of my research participants who were removed as children, and there were more female research participants than male for each decade with the exceptions of the decade from 1910-1919 (a very small sample of three

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[7] According to the latest ABS data, the Indigenous life expectancy rate is 69.1 years for males and 73.7 years for females (Australian Bureau of Statistics, 2013).

research participants), those research participants who did not provide information about the date of their removal, and the decades of the 1920s and 1960s, where there was an equal number of male and female research participants who were removed as children.

**Figure 2: Percentage of research participants removed as children, by decade of removal and gender**
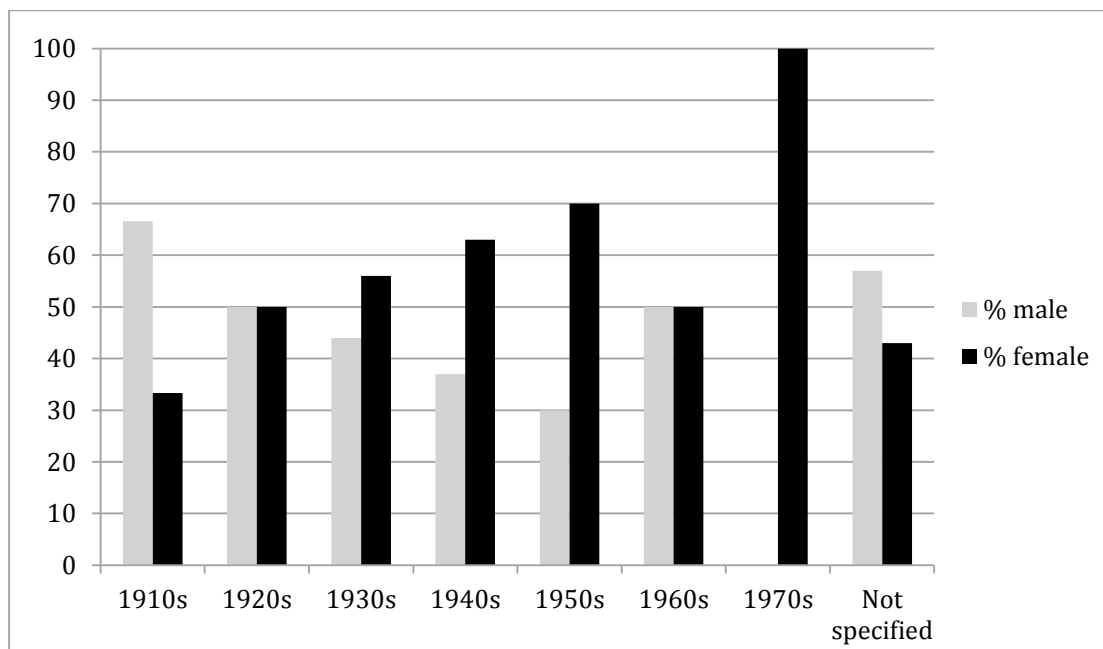


The majority of research participants who were removed as children were living in single parent families at the time of their removal (54%) (see Table 6, Appendix 2). In nearly all of these cases, the single parent was the research participant's mother, although there were several research participants who reported that the death of their mother combined with their father's inability to care for them due to his work requirements (often seasonal or station-based work requiring frequent travel or based in remote locations) led to their removal. As discussed above, even Indigenous children living in two-parent families were not immune from removal; a significant number of research participants in this category were living on missions or government reserves, where Indigenous families were subject to a high degree of surveillance and intervention.

Table 7 in Appendix 2 summarises the information provided by research participants about the racial identity of their parent/s. There are a number of points of interest here. Firstly, there were a significant number of research participants who did not know the identity of their father; there are a number of references by the research participants to their mothers being unwilling to broach this issue or their own reticence in raising it, or in some cases a flat refusal by surviving relatives to even discuss the issue of their paternity. As one of my research participants who worked for Link Up NSW mentions in his interview, not all homecomings were welcome, and some of the stories behind the conception and birth of the removed child were shameful or painful to the mother (see Male, NSW, UTS Transcript RP3, pp. 17-18). Another research participant states that her queries in relation to her paternity "opened up some very unspeakable indignities that happened within the family that I won't put in here" (Female, NSW, NLA TRC 5000/246, p. 39).

A smaller number of research participants provided detailed information about their Aboriginal mother but made no reference at all within the interview to their father. One research participant, when asked about the efforts she had made to trace her family, comments "I just had to meet my mother" but states that she had made no attempt to identify other relatives (Female, NSW, NLA TRC 5000/214, p. 50), reflecting a fairly common pattern amongst the research participants who were primarily focused on locating and being reunited with their mothers. It is notable that only a few Aboriginal research participants expressed empathy with or interest in their white fathers (see, for example. Male, NT, NLA TRC 5000/233, p. 19).

This strong focus amongst the research participants on their Aboriginal mothers may also reflect their own cultural identification as Aboriginal rather than as bi-racial people; as Rolls has pointed out, there are no readily acceptable "hybrid racial identities" available in Australia:

> Descendants of mixed heritage were not granted the liberty to exist in their
> own complex right. They were instead conceived of as a group to whom

things needed to be done in order to provide them with culture and an
identity, or alternatively, to rid Australia of their presence….Little wonder
then that many of Australia's indigenous people baulk at the notion of a
hybrid identity….it is widely regarded as a further and calculated denial of
the authenticity of one's history, subjectivity and culture. (Rolls 2005, p. 64)

In their analysis of the NLA's *Bringing Them Home* Oral History interviews, Mellor
& Haebich have highlighted a key theme of "the central importance of a mother's
love"; however they also noted "that it was often an unknown and disengaged
white paternal heritage" that had led to children being removed (Mellor & Haebich
2002, p. 8).

Some research participants describe learning more about their family history, and
becoming critical of their fathers for their failings in their relationships with their
mothers; for example,

And I met my father but there was no sort of connection there, because I
knew what he did to Mum.  Because he used to bash her and all that, and I
had no connection to him.  And he passed away two years ago, and I don't
say it didn't worry me, but it didn't really effect me to the point where I was
sort of grieving and that.  Yeah.
(Female, NSW, NLA TRC 5000/264, p. 15)

Only two of the Indigenous research participants whose interviews I analysed
identified having a white mother and an Indigenous father; one of these identified
that her father was as a Torres Strait Islander, and she was the only research
participant in my sample to identify with this distinct Indigenous Australian
cultural group.  Interestingly, in both cases these research participants did not live
with their white mothers, but were raised by other relatives, possibly reflecting the
deep social sanctions attached to white women having sexual relationships with
black men.  Relationships between black women and white men were also subject
to legal sanction – one of the research participants mentions that her white father

was gaoled in South Australia in the late 1930s for "consorting" with her Aboriginal mother:

> Interviewee: ...my father got in trouble because he was found consorting with a black woman, but he never ever, you know, gave us up because of that when I was younger.  I remember that very clearly.
> Interviewer: Did he get gaoled for that?
> Interviewee: Yes.  Apparently he said once he got gaoled for that.
> Interviewer: It's hard to believe these days.
> Interviewee: It is hard to believe because, I mean, it's hard to believe even talking about it, until you know the white history.
> (Female, SA, NLA TRC 5000/253, p. 4)

Although various state and territory laws operated to limit and control marriage and sexual relations between Aboriginal and white Australians up until the passage of the federal *Marriage Act 1961* (Commonwealth of Australia 2012 (a), p. 11), relationships between black women and white men nevertheless took place, and were far more widespread and accepted than those between white women and black men.  Sexual relations between Aboriginal women and white men were sometimes based on violence; several research participants allude to their mothers being raped, and a number refer to their own vulnerability to and fear of sexual exploitation by white men, particularly when working in isolated situations as domestic servants on remote properties.  Whilst in no way wanting to downplay the reality of sexual violence in some Aboriginal-white sexual relationships in Australia, and the sexual exploitation of Aboriginal women in particular, there have also been detailed studies of relationships between Aboriginal women and white men which have suggested that these relationships were "complex, ambiguous, permeable, and often in a state of flux" (Russell 2007, p. 22), and we need to avoid assuming all such relationships were non-consensual or based in violence.  We are also reminded of the need to recognise Aboriginal women's agency within such relationships (McGrath 1995; Russell 2007).  I believe these analyses of the complexities of Aboriginal women's relationships with white men have insights which are also relevant to our understanding of Aboriginal mothers'

experiences of child removal; the dichotomous categories of "stolen" or "surrendered" that tend to be the basis of discussion and debate about such removals do not always capture the complex reality of the difficult choices and compromises that many Aboriginal mothers faced during the Stolen Generations era.

### Research participants who were involved in the child removal process

Sixteen research participants had some level of involvement in the removal of Indigenous children from their families during the Stolen Generations era. Fourteen research participants (87.5%) in this group are non-Indigenous. I have deliberately defined involvement in child removal very broadly; research participants in this category include people working on missions or in institutions for removed children (38%); patrol officers who actually removed or made recommendations relating to the removal of children (19%); medical staff who observed child removals (12.5%); white foster or adoptive parents of Indigenous children (12.5%); a senior bureaucrat from the Office of Aboriginal Affairs (6%); a police officer (6%); and a Department of Child Welfare employee (6%). Half of the research participants in this category are female, a surprisingly low proportion given that work involving care of children is usually highly feminised, though perhaps reflective of the broad range of professionals who had some level of involvement with Indigenous child removals.

### Research participants who worked in community organisations providing services / support to the Stolen Generations

Five research participants worked in community organisations providing services or support to member of the Stolen Generations. Two of this group I interviewed myself; three were interviewed as part of the NLA's BTH collection, and also fall into the category of people who were removed as children. 60% of research participants in this category were Aboriginal; 80% were female.

### Other research participants

Eight research participants did not fall into any of my other primary research categories, however their interviews contained content that was relevant to my research. Several of this group of research participants spoke about their mothers'

constant fear of their children being removed, and the lengths their mothers were forced into to keep their children.  Others addressed the intergenerational impacts of child removal, with 50% of the research participants in this group speaking about their mothers' experiences of being removed from their families as children, and commenting on the impact of this on their mothers' parenting.

## Other sources

As only a relatively small sample of my research participants were mothers who had experienced child removal,  I have supplemented their accounts with relevant material from other oral histories (Bird 1998; Bird Rose 1991; Cohen & Somerville 1990; Edwards & Read 1989; Kabaila 2012; Mellor & Haebich 2002; Quall 2002; Read 1984; Rintoul 1993); the limited material pertaining to mothers contained within the *BTH* Report (HREOC 1997); and the biographical and autobiographical writings by and about Aboriginal women which contained material relating to experiences of motherhood and/or child removal (for example, Barnes 2000; Clements 1930; Crawford 1993; Cummings 1990; Edmund 1992; Hegarty 1999 and 2003; Huggins & Huggins 1996; Kartinyeri 2000; Kennedy 1985; Langford 1988; McDonald 1996 and 2007; McGee-Sippel 2009; Mok 2005; Morgan 1987; MumShirl 1981; Nannup, Marsh & Kinnane 1992; Pilkington 1996 and 2002; Read 2009; Roughsey 1984; Simon 1978; Terszak 2008; Tucker 1977; Vicenti & Dickman 2008; Walker 1989; Ward 1987 and 1991; West 1987; and Woodrow 1990).  Although a number of these Aboriginal women's autobiographies speak powerfully about the challenges the authors faced as mothers, accounts of experiences of child removal told from the perspective of Aboriginal mothers are incredibly rare; something that is worth highlighting as this is clearly a difficult subject area to address.  Even when writing her autobiography in novelised form, Monica Clare omitted making reference to her loss of custody of her own daughter after her divorce from her white husband, an aspect of her life that the editor comments "She chose to forget..." (Clare 1978, p. xii).  The autobiographical accounts that I have identified that make reference to child removal from the mother's perspective, some veiled and some detailed, are Clements 1930; Hegarty 2003; Huggins & Huggins 1996; Morgan 1987; MumShirl 1981; and Vicenti & Dickman 2008. The absence of accounts of child removal in Aboriginal mothers'

autobiographical writing is notable given the extent of the impact of child removal on Indigenous families, estimated to have impacted on between 10% and one third of Indigenous children Australia-wide between 1910-1970 (HREOC 1997, p. 37).[8]

I am not arguing that my material constitutes a representative sample of the experiences of Aboriginal mothers whose children were removed during the Stolen Generations era, and further research documenting the experiences of these women would undoubtedly be valuable. However, even within this relatively small sample, the diversity of experiences of child removal and the complexity of the situations Aboriginal mothers found themselves having to navigate are evident.

Regrettably my research was somewhat constrained by my only being able to undertake a small number of interviews myself. It is important to acknowledge that the NLA *BTH Oral History* Project, while a wonderful resource, was not established with the same research purposes as my thesis, and so I have been largely working with material which offers tantalising glimpses into the issues which are my primary research focus without fully addressing them. Many of the questions that I would have liked to ask were not asked by the NLA interviewers, who were collecting material for a different purpose.

In a number of instances, additional autobiographical material has been published by my research participants, and where possible I have also analysed this material, which includes autobiographical narratives by Hegarty 1999 and 2003, Kartinyeri 2000, Macleod 2003, McGee-Sippel 2009, Pilkington 1996 and 2002, Terszak 2008, Vicenti & Dickman 2008, and Woodrow 1990. When citing from their NLA interview transcripts, for the sake of treating all research participants consistently I have not identified individual research participants; however when citing their published autobiographical writings they are in these instances identified as the authors.

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[8] This figure is hotly contested and as the *BTH* Report itself highlights, "It is not possible to state with any precision how many children were forcibly removed" (HREOC 1997, p. 36).

### Legislative and policy analysis

The final element of my research has been detailed analysis of state and federal legislation relating to Indigenous parenting rights, for example, constraints on the guardianship status of Indigenous parents, and discriminatory provisions limiting their access to social security benefits and payments. This research has been important in documenting the structural and systemic nature of disadvantage facing Indigenous mothers in the Stolen Generations era.

### Analysis of my research material

It has been noted that in qualitative research, "Without thematic categories, investigators have nothing to describe, nothing to compare, and nothing to explain" (Ryan & Bernard 2003, p. 86). When reporting on the findings from my research data in the following chapters, I have used the "describe, compare, relate" approach (Bazeley 2009). I have described the issues that people from within each category of research participants has identified; I have wherever possible compared the issues identified by one group to those identified by the other groups; and I have related my findings to the academic literature or to other themes previously identified. Some of the themes in my research are inductive, drawn from my research data, and some are *a priori*, drawn from issues, themes and theories identified in the academic literature (Ryan & Bernard 2003, p. 88). I have attempted to move beyond simply identifying that an issue was raised to exploring "*How* did people talk about this aspect, and *how many* talked about it? What's *not* included" (Bazeley 2009, p. 10).

Repetition of issues across multiple interviews was one important way I identified themes; but I also actively sought points of difference or what are sometimes described as "outlier" accounts. In a thesis that explores silence, I also looked for the "strategic use of silence" by research participants, recognising that sometimes what is not said can be as important as what is said (Ryan & Bernard 2003, p. 92).

### Citing from the transcripts

For ease of identifying the source of each interview, each quoted excerpt from interview transcripts is clearly identified as either NLA or UTS (with the UTS interviews being those that I conducted myself). NLA interviews are also cited by

their transcript reference code (TRC) and the page number of the transcript from which the quote was drawn, with the exception of one transcript which was accessed online; in this case audio timings rather than page numbers are provided.

### A note on terminology

Throughout my thesis I have primarily used the term "Aboriginal" rather than "Indigenous Australians" for several reason: firstly because many Indigenous Australians find the term Indigenous "too generic" (AIATIS undated (b)); secondly because Aboriginal and Torres Strait Islander peoples represent two distinct cultural groups (though with great diversity within each) (AIATIS undated (b)), with different histories and experiences which are occluded by the term "Indigenous Australians"; and thirdly because all except for one of my Indigenous research participants identified as Aboriginal (one Indigenous research participant identified as being of Torres Strait Islander descent). I was interested to explore whether different child removal practices had been used in Aboriginal as opposed to Torres Strait Islander communities, however I was unable to identify any research focusing on child removal in Torres Strait Islander communities. My thesis is a study of Aboriginal mothers and mothering rather than "Indigenous" mothering as all of my research material about Stolen Generations mothers relates specifically to Aboriginal women; the only Torres Strait Islander research participant had a white rather than an Indigenous mother. Following AIATSIS, I do however at times use the term "Indigenous" where I am referring to policies and practices that encompassed both Aboriginal and Torres Strait Islander peoples (AIATSIS undated (b)).

I also at times use historical terminology based on pseudo-scientific "racial" categories such as "half-caste", "full-blood", "quadroons" etc. These terms, applied to people of "mixed descent" by the white community but not adopted by Indigenous Australians (Pettman 1995, p. 75), reflect the prevailing Social Darwinist and eugenicist thinking of the time in which they were devised. One researcher has identified "no less than 67 identifiable classifications, descriptions or definitions" of Aboriginality used in Australian legislation from the colonial era to the present day (McCorquodale 1986, p. 9), a figure that undoubtedly reflects

extreme white Australian anxieties about racial miscegenation.  It has been noted that the construction of caste in Australia was only applied to Aboriginal people:

> There were part-Aborigines, but no part-Europeans or full blood whites. In Australia the Other has been defined in racial terms, never 'us'; that is to say, ethnic minorities, in particular Aboriginal people, have been racially defined, but there have been no legal definitions of the ethnic majority, often referred to by the imprecise, but racially loaded term of 'whites', or by the equally confusing term, 'Europeans'. (Brock 1995, p. 134)

Gender has also been identified as a significant element in the (white) construction of Aboriginal identity.  Peggy Brock notes that "Aboriginal people of mixed descent were defined by the racial category of their mother, rather than their non-Aboriginal father or grandfather"(Brock 1995, p. 134).

Aboriginality, like all "racial" identities, remains contested.  The current "working definition" of Aboriginality in Australia used by federal government departments to determine eligibility for services and benefits is composed of three interlinking components:

> - being of Aboriginal or Torres Strait Islander descent; *and*
> - identifying as Aboriginal or Torres Strait Islander; *and*
> - being accepted as such by the Aboriginal community.
> (Australian Law Reform Commission 2003, my italics.)

It is important to note that the policies and practices of child removal sustained over many decades have impacted significantly on all three aspects of contemporary Aboriginal identity – knowledge of genealogical descent, the capacity to self-identify, and the capacity to demonstrate community recognition / acceptance.  It is estimated that there are many Australians today who remain unaware of their Aboriginal ancestry as a consequence of child removal practices (Jopson 2005).

"White" is also a "racial" identity, and its meaning does not remain fixed over time. In the Australian context, "white" has been used interchangeably with terms such as English / British / European (Pettman 1995, pp. 72-3). Care must be taken in applying such labels, as describing all non-Indigenous people as "white" or "white Australians" denies the ethnic diversity that, despite the rhetoric of the White Australia Policy, was always present within the non-Indigenous population of Australia. The analysis of racial relations around binary or dichotomous groupings (white / black, indigenous / settler) has been critiqued as "obscuring the complexity and interdependence of their social, economic, political and ideological relations" (Stasiulis and Yuval-Davis 1995, p. 30), and limiting our understanding of the operation of both racism and sexism (Pettman 1995, p. 65). Nevertheless, Pettman notes that "In colonial politics the core opposition was that of Aborigines and whites" (Pettman 1995, p. 72), and I therefore use the term "white Australian/s" to capture the dynamic of the power relationship between Aboriginal and non-Aboriginal Australians.

The term "Stolen Generations" is also contested. The first use of the term is attributed to white historian Peter Read, one of the earliest academic researchers to document the removal of Indigenous children. It has been challenged by conservative commentators on the grounds of the alleged inaccuracy of both the terms "stolen" and "generations" (Gigliotti 2003, p. 177). I use it throughout my thesis as it is the term that those directly impacted by child removal policies and practices are most likely to use to describe themselves, though it is important to note that the usage of this term and debates about who can claim it are a significant issue for both Aboriginal and white research participants (see Appendix 4 for further details).

## Conclusion

In this chapter I have explored the theoretical and methodological approaches that have informed my research. My research findings are primarily based on my analysis of oral history interviews with both Indigenous and non-Indigenous research participants; their perceptions and understandings of the policies and practices of child removal, their descriptions of its intentions and impact. I have

drawn on theoretical models about testimony and historical narratives in my analysis of my research data.  I have provided a detailed overview of some of the key features of my research participants, and I have also identified some of the limitations and constraints of my research methods.

I have attempted to utilise Ungunmerr-Baumann's approach of "deep listening" in analysing the accounts of my research participants; from this process a richer and more nuanced picture of child removal practices in the Stolen Generations era emerges, one that adds to our understanding of the challenges and barriers mothers face in speaking out about violations of their rights

In the following chapter I will identify and analyse some of the structural barriers to Aboriginal motherhood during the Stolen Generations era, and explore how these contributed to placing Aboriginal mothers at heightened risk of having their children removed.

# Chapter 3: Stolen Motherhood?[9]: structural barriers to Aboriginal mothering in the Stolen Generations era

In this chapter I identify some of the structural barriers experienced by Aboriginal mothers in the Stolen Generations era, which I will argue were fundamental to the difficulties many experienced in caring for and keeping custody of their children.  I believe that these structural or systemic barriers to Indigenous parental rights are an under-recognised and under-researched aspect of the Stolen Generations era, in part because the primary focus of investigations into Indigenous child removals has been on the experiences of the children who were removed.  If we conceptualise the removal of Indigenous children as also a violation of the rights of their parents, in particular their mothers[10], in what ways would that change our perceptions of the Stolen Generations era?

My analysis in this chapter explores four key aspects: the legal status of Aboriginal mothers; the socio-economic impact of discriminatory provisions on Aboriginal mothers' access to Commonwealth and state family-based payments; the impact of the requirement to work on Aboriginal mothers' primary care commitments; and the impact of the surveillance of and intervention in Aboriginal families who were living on missions or reserves.  I have identified these issues as structural or systemic barriers to Aboriginal motherhood because they resulted in unfair and unequal treatment of Aboriginal mothers vis-à-vis other Australian mothers, and placed all Aboriginal mothers at greater risk of child removal, irrespective of the love and care provided by individual Aboriginal mothers.

I explore the legal status of Aboriginal mothers in the Stolen Generations era through investigating the impact of state-based Aboriginal "protection" legislation on the rights of Indigenous parents.  Indigenous parental rights were overridden through the appointment of Chief Protectors (or equivalent positions), who were

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[9] I gratefully acknowledge my friend and colleague Aunty Joan Tranter, Elder in Residence at UTS, for first suggesting the idea of "Stolen Mums" to me (Tranter 2014, pers. comm., 8 April).
[10] For my rationale for focusing on Aboriginal mothers please refer to *Why mothers?* in the Introduction.

in a number of states the legal guardians of all Indigenous children, leaving Indigenous parents without any legal recourse in the event of the removal of their children.

I also identify the inequities experienced by Aboriginal mothers in accessing Commonwealth and state family payments, including the impact of racial discrimination on Aboriginal mothers' access to benefits that were readily available to white mothers. As well as facing racial discrimination limiting their access to such payments, where benefits were available to Aboriginal mothers in the Stolen Generations era they were often paid in the form of rations rather than money; and some Aboriginal families faced bizarre situations where different family members were eligible for different forms of support based on the "percentage of Aboriginal blood" they were deemed to possess.

The requirement to work was another structural impediment to Aboriginal mothering. Many Aboriginal mothers in the Stolen Generations era had to combine their parenting with paid work commitments, either due to mission policies that required Aboriginal women to return to work irrespective of their carer responsibilities, or because of their role as the family's sole breadwinner, requiring them to make alternative care arrangements for their children. The final major structural barrier to Aboriginal motherhood that I examine in this chapter is the high level of state intervention in Indigenous families, and the impact of the heightened surveillance and scrutiny of Aboriginal mothers on child removal.

## Legislative analysis

In the debate within the wider community following the publication of the *Bringing Them Home* Report, which often centred around whether Indigenous child removals had been acceptable by the standards of the time in which they occurred and were an attempt to act in the "best interests" of the children who were removed, surprisingly little mention was made of the impact of Aboriginal "protection" legislation, which meant that Indigenous parents did not have the same legal rights in relation to their children as other Australian parents. In a number of states and territories, a state-appointed Aboriginal Protector was the

legal guardian of all Indigenous children until they were up to 21 years old; all Indigenous children in these jurisdictions were deemed wards of the state, which limited their parents' ability to legally challenge state decisions about their removal.

### Overview of state and federal laws

The *BTH* Report provided a detailed overview of state laws applying to Indigenous children in the appendices to the Report (HREOC 1997, Appendices 1-7). This information provided the basis for *To Remove and Protect: laws that changed Aboriginal lives*, a detailed online exhibition compiled by AIATSIS providing information about all state and territory laws applying specifically to Indigenous children, as well as general child welfare / adoption laws, and providing the full text of the annual reports of all state and territory Aboriginal "protection" boards (AIATSIS undated). The AIATSIS site contains summaries of the provisions contained within each piece of legislation relevant to Indigenous child removal; however reflecting the common interpretation of the removal of Indigenous children as a violation of the rights of the child, the focus of *To Remove and Protect* is on legislation applying to Indigenous *children* rather than to Indigenous parents.

Chapter 13 of the *Bringing Them Home* Report traces the legislative framework under which Indigenous child removal was authorised, and argues that the separations were unlawful even by the legal standards of the time in which they happened:

> The Australian practice of Indigenous child removal involved both systematic racial discrimination and genocide as defined by international law. Yet it continued to be practised as official policy long after being clearly prohibited by treaties to which Australia had voluntarily subscribed. (HREOC 1997, p. 266)

While Australia might have had a moral obligation to abide by the terms of the international human rights treaties it was a signatory to, Australia's commitments to such treaties do not take immediate effect on ratification but require specific

domestic legislation to be legally enforceable (Oguro, Payne & Varnham 2015, p. 8). As the Australian Human Rights Commission reminds us, "Without such legislation there is no legal way within the Australian court system to ensure that the rights in any international human rights treaty will take precedence over any state or territory legislation that is inconsistent with the treaty" (Australian Human Rights Commission undated (b)). Australia ratified the *Convention for the Prevention of the Crime of Genocide* in 1949 and the *Convention on the Elimination of all forms of Racial Discrimination* in 1975; the federal *Racial Discrimination Act* was passed in 1975, however genocide was not made a crime punishable under Australian law until the *International Criminal Court Act* was adopted in 2002 (Scott 2004). As Marchetti & Ransley have argued, this has contributed to the legal difficulties facing many Stolen Generations compensation cases:

> In Australia, establishing the racism of conduct is not enough to attract redress, at least for conduct that occurred prior to the introduction of the Commonwealth Racial Discrimination Act in 1975....administrations did not act unconstitutionally simply by introducing racially discriminatory legislation. (Marchetti & Ransley 2005, pp. 542-3)

One white research participant who worked as a senior bureaucrat in Western Australia comments that the constitutional exclusion of the federal government from legislating in relation to Indigenous people prior to the 1967 Referendum limited the capacity of the federal government to ensure treaty compliance:

> ...the Australian government at that time didn't have any say in Aboriginal affairs really, it didn't step into the business until the referendum of 1967...Now, the states wouldn't take much notice of a United Nations resolutions (sic), they would say, That's not binding on us. We know how to do the job and we'll carry on. (Male, WA, NLA TRC 5000/14, Session 3, 00:36:12)

A short section (just under two pages) within Chapter 13 of the *Bringing Them Home* Report is headed "Deprivation of parental rights". This section notes that

Indigenous parents were stripped of their parental rights, contrary to established common law principles in Western Australia from 1905 – 1963; the Northern Territory from 1910 – 1964; South Australia from 1911 – 1962; and in Queensland from 1939 – 1965 (HREOC 1997, p. 255).

In Victoria, while Aboriginal parents theoretically retained custody rights in relation to their children, from 1890 the Board of Protection which oversaw arrangements for the care of Aboriginal children had the power to remove Aboriginal children without the need of a court process (Swain 2014, p. 18). Similarly, in NSW from 1915 onwards the Aboriginal Protection Board had the power to remove all Aboriginal children without parental consent or court process, a clear distinction between the rights of Aboriginal and non-Aboriginal children (Swain 2014, p. 18) – and, I would also add, the rights of their parents.  The Australian Capital Territory was covered by the provisions of the *NSW Aboriginal Protection Act* until 1954, when the *Aborigines Welfare Ordinance* was passed into legislation; it included among its provisions authorisation for the Minister to "provide for the maintenance, welfare and training" of Aboriginal children, though it differed from most other state and territory legislation by stipulating that this was "*on the application of their parent or guardian*" (see Appendix 3 for details). In Tasmania, separate legislation relating to the removal of Aboriginal children was not passed, apparently because the state refused to acknowledge Aboriginal people still resided there (Swain 2014, p. 19); therefore unlike all the other states Aboriginal child removals in Tasmania were governed by mainstream child welfare legislation. The *Bringing Them Home* Report noted a division dating from the 1940s onwards between two approaches to child removal, with some states (NSW, Tasmania and Victoria) applying the same laws and standards to Aboriginal as to non-Aboriginal families although in a discriminatory and unfair manner, while the other states (WA, NT, SA, QLD) continued to operate separate Indigenous administrations and legislative frameworks, eventually dismantling these from the 1950s onwards (HREOC 1997, p. 250).  Rowley's study of policy and practice in relation to Aboriginal people published in 1971 noted that these legislative changes had at that time only recently been implemented, and he also urged the removal of "the vestiges" of these limitations on Aboriginal parental rights "as soon

as possible, with departments of child welfare or equivalents in each State acting for all children, under common legislation and regulations" (Rowley 1971, p. 57).

The *BTH* Report makes the important point that while any person's parental rights have always been subject to suspension or termination by legal process, the rights of Indigenous parents were removed purely on the basis of their status as Indigenous people, and not because of individual findings of parental misconduct or judgements made on a case-by-case basis about what would be in the best interests of the child/children under their care (HREOC 1997, p. 255). Clearly, the legislation that appointed the Protector of Aborigines (or equivalent position) the legal guardian of *all* Indigenous children in these states and the NT was based on the assumption that in *every* case, Indigenous parents were incapable of performing their parental duties themselves. Such legislation reflects the belief of white officials, as one Aboriginal research participant categorised it, "that they could do better at raising our kids" (Female, Qld, UTS Transcript RP1, p. 49).

The sense of powerlessness engendered in Aboriginal mothers by their lack of legal rights is expressed by a number of my research participants. One research participant talks about her sense of hopelessness and the lack of avenues for her to seek redress after her baby daughter is taken from her to an unknown location:

> I was just devastated that I didn't have, you know, came back to find my baby missing. But who could I go to, you know?....There was no one to go to about it... (Female, QLD, UTS Transcript RP1, p. 48)

Even in child removals that happened late in the Stolen Generations era when the guardianship status of Indigenous parents had notionally been restored, Aboriginal mothers still faced huge disadvantages within the legal system. An Aboriginal mother who experienced the removal of five of her children has written in her autobiography about the legal inequities she faced in West Australia in 1965. Although the status of the Commissioner of Native Welfare as the legal guardian of all Aboriginal minors in WA had been revoked in 1963, she was without legal

representation on the day the court passed judgement on her capacity to care for her children:

> I was alone on the day, unsupported, unrepresented, and had no knowledge of the procedure involved….I was completely intimidated by the process. I was not notified of my rights, there was no adjournment to obtain legal advice, and I had no assistance with what was in fact a contested hearing or trial. What happened was, to my mind, a gross miscarriage of justice, a travesty. (Vicenti & Dickman 2008, p. 111)

### 'The child of any Aborigine': the impact of 'protection' legislation on Indigenous parental rights

State-based Aboriginal "protection" legislation in Australia imposed constraints on many aspects of the lives of Indigenous people, including restrictions on their freedom of association, freedom of movement, the right to marry, freedom from arbitrary interference in family and home, property ownership rights, freedom of religion, the right to vote and to participate in government, the right to social security, the right to work and to just and favourable conditions of work, the right to education, the right to an adequate standard of living, breaches of the principles of non-discrimination and equality before the law; and so on. These curtailments were specifically targeted to Indigenous Australians, and did not operate to limit the rights and freedoms enjoyed by other Australians, except in their interactions with Indigenous Australians. Some of the clauses within the various state and territory protection acts that make specific reference to Indigenous parents are not highlighted in either the *BTH* Report appendices or the AIATSIS summaries, as their purpose was to highlight "laws applying specifically to Australian *children*" (HREOC 1997, p. 600, my emphasis). Appendix 3 provides my summary of the key pieces of Australian state and territory legislation that impacted on Indigenous children and their parents.

Of course, Aboriginal protection legislation did not develop in a vacuum – it reflected the broader societal concerns and interests that the legislation was designed to implement or guard against. Goodall has demonstrated how in NSW in

the early twentieth century, concern about the declining (white) birth rate led to a focus on the removal and detention of Aboriginal girls, in an attempt to control their sexuality and reproduction (Goodall 1995, pp. 79-80). Similarly, increasing interest in eugenics and concerns about the rising "half-caste" population in the 1920s and 1930s led to the introduction of "anti-miscegenation" clauses in the protection legislation of a number of states during this era (Brock 1995, p. 136). Changes to Aboriginal Protection legislation over time reflected changing white priorities in relation to Aboriginal people; the "connection between Aboriginal welfare legislation and concern for 'white' Australia" has long been noted (Rowley 1971, p. 22).

### Guardianship status

With regard to the legal guardianship of Indigenous children, initially "protection" legislation in a number of states did not apply in a blanket fashion to every Indigenous child. South Australian legislation originally gave Aboriginal parents the right to consent to apprenticeship arrangements made in relation to their children "if living and within the Province", and limited the Protector of Aborigines' legal guardianship of Aboriginal children to those "whose parents are dead or unknown, or either of whose parents may signify before a magistrate his or her willingness in this behalf" (*SA Ordinance for the Protection, Maintenance and Upbringing of Orphans and other Destitute Children and Aborigines Act* 1844). Similarly, Queensland's initial legislation only applied to "half-caste" children who were orphaned or "deserted" by their parents (*Qld Aboriginal Protection and Restriction of the Sale of Opium Act* 1897*)*. In both of these states as well as in the Northern Territory and Western Australia, the legal guardianship provisions were eventually extended to encompass "the child of any Aborigine". It is also possible to trace the gradual emergence of provisions bringing Indigenous child removal more in keeping with mainstream child welfare processes, including the requirement for Aboriginal children who were declared neglected or uncontrollable to appear before a court in NSW from 1940 onwards (*NSW Aborigines Protection (Amendment) Act* 1940 13A. (5) and (6)); and the *NT Welfare Ordinance* requirement from 1953 for the removal of a "ward" under 14 years to

be authorised in writing by the Administrator (*NT Welfare Ordinance 1953* 17. (1.)).

It is important to acknowledge the aspects of Aboriginal protection legislation that distinguished Indigenous child removals from those of non-Indigenous children under general child protection laws. The most significant of these was the appointment of a designated state official as the legal guardian of **all** Indigenous minors (and in some cases Indigenous women up to the age of 21 years) in WA, SA, Queensland and the NT, "notwithstanding that the child has a parent or other relative living".  The West Australian legislation made specific reference to mothers; the *WA Aborigines Amendment Act* 1911 specified that the Chief Protector was the legal guardian "of every aboriginal and half-caste child…to the exclusion of the rights of the mother of an illegitimate half-caste child" (*WA Aborigines Amendment Act* 1911 (3).). The Northern Territory took legal guardianship one step further and from 1918 applied similar powers in relation to Aboriginal adults; the Chief Protector had the power "to undertake the care, custody, or control of any aboriginal or half-caste, if in his opinion it is necessary or desirable in the interests of the aboriginal or half-caste for him to do so" (*NT Aboriginals Ordinance, 1918, 6. (1.)).*  As late as 1953 the NT Director of Native Welfare was appointed "the legal guardian of all aboriginals" (*NT Aboriginals Ordinance* 1953, Clause 7). This legislation was replaced with a supposedly "mainstream" piece of legislation, the *NT Welfare Ordinance* 1953, which made no direct reference to Aboriginal people and was aimed at "state wards"; however, as no one who was eligible for registration on an electoral roll could be declared a "ward" under this legislation, this Ordinance "could only apply to Aboriginal people" (AIAATSIS undated). Under Clause 24. (1) of this Ordinance, the Director of Welfare was appointed the guardian of all wards "as if that ward were an infant", except under specified exemptions.

In NSW, although Aboriginal parents were not stripped of their legal guardianship status, the Aboriginal Protection Board (APB) had the power to "assume full control and custody of the child of any aborigine", on the grounds that such a

removal would be in the interests of the "moral or physical welfare" of the child (*NSW Aborigines Protection Amending Act* 1915, 13A.).

Van Krieken summarises the legal status of Aboriginal parents in the Stolen Generations era as follows:

> The state was made the legal guardian of all children of Aboriginal descent, overrriding Aboriginal parents common-law rights over their children, who were to be removed at official will and sent to a mission or a child welfare institution, or to be fostered with a white family if sufficiently light-skinned. The legislation enabling this was introduced in relatively weak form between 1886 and 1909 in all Australian states, strengthened around 1915, and further reinforced in the 1930s, by which time, in legal terms, the state had become the custodial parents of virtually all Aboriginal children...This assertion of legal guardianship by the state over all indigenous children only ceased in the 1960s. (van Krieken 2004, p. 127)

Lake argues that "most Aboriginal mothers did not enjoy standard custody rights until the 1970s, and many not even then" (Lake 1999, p. 83); this is in contrast to white mothers who gained equal custody rights with their husbands in 1934 (Lake 1999, p. 86). Challenging the perception that Aboriginal child removal reflected the "standards of the day", Lake also highlights that awareness existed of the disparity in the rights of Aboriginal parents, and there were contemporary campaigns by feminists attempting to change the discriminatory provisions in Aboriginal protection legislation; she quotes from the Australian Women's Charter 1946-1949 which recommended:

> that legislative amendments be made to recognise Aboriginal parents' custody rights; that the law controlling the guardianship of Aboriginal children contain the same provisions as the law controlling other children; that Aboriginal people not be removed to, or held in, institutions except by a magistrate's order, after they have appeared before a court; and that Aboriginal parents be given the same opportunity as other parents to

appear before a court to offer evidence that they are suitable persons to
have care and control of their children. (Quoted in Lake 1999, pp. 195-6)

However it would be almost two decades before these changes were actually
implemented in many states and the Northern Territory.

### Lack of judicial review

Protection legislation gave authorities the blanket power to support the removal of
"the child of any aboriginal", often without the requirement for removals to be
considered and justified on an individual or case-by-case basis.  Even in
jurisdictions where authorities were required to satisfy themselves that removal
was in the interests of the child, there were few opportunities to dispute such a
determination, as another distinguishing feature of Aboriginal protection
legislation was the lack of inbuilt checks and balances such as judicial monitoring
and review for decisions involving Indigenous children (AHRC undated (b), para.
6.7).  The only specific reference to the right of appeal in early protection
legislation is in the *NSW Aborigines Protection Amending Act* 1915, which gave
parents the right of appeal against actions of the APB; however, such appeals could
only be made on a ground involving a question of law, or on the basis that
insufficient evidence existed to support the original conviction, order or sentence
(as outlined in Part V of the *NSW Justices Act* 1902).  Only in Victoria were the
provisions of Aboriginal protection legislation explicitly made subject to
mainstream child welfare legislation (see *Vic Aborigines Act* 1915, 6. (x)).  In
Queensland in the 1930s with the passage of the *Aboriginals Preservation and
Protection Act* 1939, the legislation was specifically worded to override
"mainstream" adoption legislation; the Director of Native Affairs was given the
power to make arrangements for the "legal custody" of Aboriginal children to any
person "deemed suitable to be given legal custody of such children", irrespective of
the provisions of *The Adoption of Children Act* 1935 (Clause 18 (3))*.* In all states
except Tasmania and Victoria, Indigenous child welfare was separated from
mainstream welfare provision and separate institutions were developed to house
removed Indigenous children. These features of the protection legislation in place
in every state and territory except Tasmania highlight the legal impediments that

Indigenous parents would have faced in retaining custody of their children in the face of attempts to remove them, and in attempting to secure the return of their children subsequent to their removal; they literally had no legal grounds to challenge the decisions being made about their children in most Australian states and territories, let alone the resources needed to mount such a legal challenge.

Although the overwhelming majority of my research participants describe Aboriginal parents' powerlessness to prevent child removal, it is also important to acknowledge that in some instances authorities actually assisted Aboriginal parents to regain custody of their children.  Heather Vicenti's autobiography *Too Many Tears* includes copies of correspondence she sent to the Native Welfare Department in WA requesting the return of her child, who had been placed for adoption with his paternal grandmother soon after his birth in 1956.  Vicenti successfully argued that she now had the financial means to support her child, and had a carer to look after him while she was working; her letter stated:

> I do not wish to have my baby adopted by anyone else as I can look after him myself.
> I am appealing to you to help me get my baby back.
> (Vicenti & Dickman 2008, pp. 79-80)

A letter is reproduced from the Commissioner of Native Welfare, written in his capacity as Heather's legal guardian (as she was then aged under 21 years) to object on her behalf to this adoption (Vicenti & Dickman 2008, p. 80). This seems to align with the account of a research participant who worked in a senior role in Native Welfare in WA in the 1960s and prior to that had worked as a patrol officer; he describes a cultural shift in the Department following the appointment of a new Commissioner in 1948, and states that child removal on anything other than welfare grounds would have been "anathema" to the new Commissioner (Male, WA, NLA TRC 5000/14: Session 1, 00:35:47).  Vicenti's application to have her child returned was successful, and he was returned to her care when he was six months old (Vicenti & Dickman 2008, p. 80).

That Vicenti's successful application for the return of her son is a shift from earlier approaches to requests for the return of removed children in WA is highlighted by another letter reproduced in *Too Many Tears*, dated 21 July 1944 and sent by the Commissioner of Native Affairs to a de-identified individual rejecting a mother's request for her child's return:

> I regret it is not possible to agree to XXX request.  XXX is a near-white boy.  He is being reared as a white child at Sister Kate's Home, and in due course he will be placed out to employment, and will live as a white person.  It would be detrimental to his future welfare to permit him to return to his mother who lives in association with natives.  If this was agreed to it would undo all the good work in rearing XXX to white standards. Children placed with Sister Kate are never released to their parents.  This would be a direct contradiction of the principle of their segregation from native persons, as they are placed with Sister Kate for this very reason.  By Section 8 I am XXX legal guardian up to 21 years, notwithstanding that his mother is alive, and since the principal consideration is the lad's welfare I regret I am unable to accede to XXX request.  If I did so I would be inundated with similar requests from other native mothers.  (Vicenti & Dickman 2008, p. 82)

Discussing a similar legal case to Vicenti's which took place in the Northern Territory in 1958 involving the return of three Aboriginal children to their parents who had been discharged from a leprosarium, Haebich argues that in situations such as these where Aboriginal parents were classified as wards, the state official appointed as their legal guardian had a duty to pursue their legal interests (Haebich 2000, p. 544).  These examples highlight the importance of the legislative framework; where laws existed that protected or supported the parental rights of Indigenous people, they could be used to challenge and overturn child removal. Unfortunately such examples of successful legal challenges to child removal by Indigenous parents appear to have been rare.

### Other impacts of protection legislation on Aboriginal parents

There are other important points to note about protection legislation from the perspective of its impact on Aboriginal parents. In some jurisdictions communication with removed children was only possible with the authorisation of the Board or equivalent (NSW). There are a number of accounts by research participants of their discovery as adults of letters held in their welfare files that had been sent to them by their parents which they never received (see for example "Barbara"; "Susie"; 5000/240; "Angela"; "Francine"; 5000/319). Removal of children from "Aboriginal institutions" was an offence in a number of states (NSW, NT, SA, WA); obstructing officers performing their duties relating to the legislation, which would have included any attempts to "obstruct" child removal, was also an offence in some states (NT, QLD, SA, Vic). Aboriginal parents could be compelled to pay maintenance for the support of their removed children (ACT, NSW, NT, QLD, SA, WA, see Appendix 3 for details); this included the states where Aboriginal parents were not in fact the legal guardians of their children, but nonetheless were still expected to contribute financially towards their upkeep.

Although there were undoubtedly national patterns detectable in the waves of state and territory Aboriginal protection legislation, with very similar acts and clauses often being adopted in different states and territories within similar timeframes, there are also regional variations, with some clauses tailored to what were obviously seen to be particular problems or issues experienced in a specific state or territory. In NSW and the ACT, clauses appear from the 1940s in protection legislation allowing Aboriginal parents or the child's guardian to apply to admit their children to the control of the Aboriginal Protection Board (*NSW Aborigines Protection (Amendment) Act* 1940 7 (2); *ACT Aborigines Welfare Ordinance* 1954 (5. (1) (e)). The type of scenario that this legislation might have been aimed at is mentioned in several Aboriginal women's autobiographies. Ruby Langford discusses being in a position of severe financial distress and initiating discussions with authorities to relinquish her children into state care (Langford 1988, pp. 102-103), and Mum Shirl also discusses a number of Aboriginal families living in Redfern forced by circumstances to place their children in homes (MumShirl 1981). Again in NSW, from 1943 the *Aborigines Protection*

*(Amendment) Act* authorised the APB to make payments to foster parents, reflecting the shift in NSW from segregation of Aboriginal children in training institutions towards assimilation into white families that has been noted in other research (Goodall 1995, p. 85).

In the Northern Territory, the passage of the 1918 *Ordinance* allowed for Aboriginal children to be removed interstate; a number of research participants from the Northern Territory related their experience of being sent interstate, some were wartime evacuees but there were also a number who were sent to Victoria, South Australia and even Tasmania simply to attend high school (see, for example, "Eva", 5000/287, "Veronica").

The *WA Native Administration Act* 1936 included a clause which appears to have been aimed at preventing Aboriginal parents from prostituting their children to pearlers. Clause 44 of the Act made it an offence for "Any native who, being the parent or having custody of any female child apparently under the age of sixteen years, allows that child to be within two miles of any creek or inlet used by the boats of pearlers or other sea boats".  While some have argued that protecting Aboriginal girls from sexual intercourse was a "major motive" behind efforts to remove Aboriginal children believed to be at risk in Western Australia (Windschuttle 2009, p. 443), others have highlighted white discomfort with racial "miscegenation", particularly between Aboriginal women and Asian men (many pearling luggers were operated by Japanese crew) in the years immediately preceding the second world war.  Conor argues that "it was Aboriginal women's sexual activity with 'alien' men, particularly 'Asiatics', which finally prompted dramatically contrasting government interventions and media exposure" (Conor 2013, para. 12).  Irrespective of the real motivations of legislators, I would highlight the contemptuous attitude towards Aboriginal parents as fit carers for their children that is highlighted by the perceived need to explicitly legislate for this scenario.

### The gendered impact of protection legislation

Researchers have also noted the differential impact of protection legislation on Aboriginal women; Brock comments:

> As 'breeders' and sexual beings, women were also subject to controls not experienced by Aboriginal men: greater restrictions were placed on their movements, their labour and particularly their sexuality. While all Aboriginal people were subject to a bewildering range of definitions of Aboriginality, women's racial identity was even more legislatively ambiguous. (Brock, 1995: 149)

There is a clause in the protection legislation of all states with the exception of Tasmania (which had no such legislation) and Victoria which makes specific reference to Aboriginal mothers. In relation to the enforcement of fathers contributing towards child maintenance payments, the legislation stipulated that Aboriginal women's testimony as to the paternity of their "half-caste" child would not be accepted "upon the evidence of the mother, unless her evidence be corroborated in some material particular"; the wording of this clause is almost identical in NSW, the Northern Territory, South Australia and Western Australia, with the Queensland legislation instead stipulating "…no man shall be taken to be the father of any such child which is illegitimate upon the oath of the mother only." Apart from reflecting a deep-seated contempt toward the veracity of Aboriginal women, such clauses in Aboriginal "protection" legislation perhaps also reflected that the interests of the white legislators lay with protecting the white men accused of fathering half-caste children, rather than the Aboriginal mothers left to raise these children without financial support.

### Limitations on Aboriginal mothers' access to social security

Another major structural barrier to Aboriginal mothers in the Stolen Generations era was their exclusion from or differential access to social security benefits because of racial discrimination in determining their eligibility to receive such payments. This area has been extensively researched, and in this section I highlight the key findings from previous studies, with a specific focus on family-

based payments such as the maternity allowance and child endowment, with the aim of identifying the impact these discriminatory measures had on Aboriginal mothers. I have also included in this section material that I have identified from the oral history interviews and other autobiographical sources about Aboriginal mothers' experiences of receiving (or being denied) social security payments, as this material highlights the often severe impact of racial discrimination in access to social security on an individual and family level.

Despite being more likely to live in poverty and most in need of the safety net provided by access to social security, Aboriginal mothers in the Stolen Generations era faced racially discriminatory provisions limiting their access to social security payments that were provided by state and federal governments to support white Australian mothers, children and families. Paisley comments:

> The point to be emphasised here is that childhood, motherhood and womanhood under White Australia, cannot be viewed outside of racial constructions of difference. The experience of the child, the qualities of the mother and the morality of the woman were shaped in relation to racial classification, and exclusion from or access to, enfranchised representation in the modern nation state. (Paisley 1995, p. 269)

While the reproductive and child-rearing efforts of white mothers were supported by state and federal social security payments, those of Aboriginal mothers were discouraged by the withholding of payments that would have provided invaluable support to Aboriginal mothers and children, including the potential to prevent families from falling in to the extreme poverty that then led to child removal on the grounds of "neglect". Researchers have suggested that Indigenous child removal was a preferred policy in some states and territories because as a policy option, it was "infinitely cheaper and easier for governments than embarking on the major social reconstruction programs that could have helped communities and families to recover stability and security" (Haebich 2000, pp. 34-5).

Brock has argued that restrictions on Commonwealth welfare payments impacted more severely on Aboriginal women than on Aboriginal men (Brock 1995, p. 147). Aboriginal women could also be left in limbo due to legally created ambiguities between white and Aboriginal identities:

> If an Aboriginal man married a white woman (a rare occurrence) this did not affect his racial identity, but if an Aboriginal woman married a white man, this could place her in a situation where she lost any rights to assistance as an Aboriginal person, but did not qualify for assistance as a white person. (Brock 1995, p. 149)

From as early as 1905 onwards (WA 1905; QLD 1934; SA 1939; NSW 1943; ACT 1954), state-based Aboriginal protection legislation began to include clauses enabling Aboriginal people to be exempted from the provisions of the legislation, subject to a range of conditions being met. Brock highlights how the lure of an exemption in return for benefits impacted particularly on extended Aboriginal families:

> Aboriginal families who might be eligible for welfare payments had to make the difficult decision to apply for exemption, and / or move away from a reserve or mission where their extended family and friends lived, in order to qualify for payments (yet these payments were automatically made to eligible non-Aboriginal people, whatever their circumstances).
> (Brock 1995, p. 147)

While Aboriginal Australians who were "primitive", "nomadic" or "dependent" on government welfare were routinely excluded from receiving social security payments, exceptions were made for Aboriginal people who had received certificates of exemption. As Goodall notes,

> An 'Exemption Certificate' would gain its Aboriginal holder and their family access to such real and important benefits as Commonwealth aged and

widows pensions, uncontested access to public schooling and the possibility
of decent housing, on or off reserves. (Goodall 1995, p. 85)

## Maternity payments

Historians have documented anxieties in the new Australian nation about the declining white birth rate and concomitant fears about the growth in non-white population groups (see for example Goodall 1990; Markus 1995). Markus has linked the controls placed on Aboriginal people through protection legislation, limiting their access to major centres of population and their interactions with other Australians, with the development and implementation of other measures designed to limit, control or deport "undesirable population groups" (Markus 1995, pp. 242-3). Maternity was central to population debates and ideas about the future of the new Commonwealth. In addition to discouraging the growth of "undesirable" groups, measures were also put in place to promote an increase in the white population. This led the federal government to introduce a Maternity Allowance in 1912, but to deny payment of the allowance to non-white mothers. Lake notes:

The Baby Bonus, as it came to be called, would be paid to unmarried mothers as well as married (a decision that caused heated, extensive, and revealing public debate), but not to 'women who were Asiatics, Aboriginal natives of Australia, Papua or the islands of the Pacific' (a decision that went largely unremarked). (Lake 1993, p. 379)

"Half-caste" Aboriginal mothers who had "a preponderance of white blood" were deemed eligible to receive the Commonwealth maternity allowance. However, Kidd's detailed analysis of the management of Aboriginal affairs in Queensland provides a useful case study of the interrelationship between Commonwealth and state "welfare" payments and how these were (mis)managed in relation to Aboriginal people. Federal maternity allowance funds were co-opted by some state-based Aboriginal agencies rather than payments going directly to Aboriginal families. Kidd argues that this payment was specifically targeted by authorities in Queensland, with the Chief Protector advising "impoverished mission authorities

how to tap into the windfall" (Kidd 1997, p. 86).  Kidd states:

> ...this cash bonus was routinely and unlawfully usurped since 1928 on missions and settlements, and used to cover clothing and medical expenses which were legally an institutional cost.  Mothers of dormitory children received only 20 per cent of the allowance, and only 50 per cent was paid to mothers with children at home.

> Altered qualifications in 1942 enabled all 'full blood' women to claim the maternity allowance, provided they were not living on state-controlled communities. (Kidd 1997, p. 166)

Vicenti reproduces documentation relating to her aunty, Ida Calgaret, highlighting the real-life implications of restrictions to maternity payments on Aboriginal families.  A Native Welfare Officer interviewed Ida and her husband in 1949, reporting "They have four children and all appear well cared for and are very light coloured. The parents are concerned by the fact that they were not permitted Baby Bonus and request that their caste be examined and that they be advised of the result" (Vicenti & Dickman 2008, p. 39). The official determination of the "caste review" was that Ida was deemed to possess five-eights "native blood", and her application to receive the allowance was unsuccessful; a document reproduced by Vicenti notes "The Commonwealth Social Services laws preclude the grant of a maternity allowance to a person possessing more than half native blood, unless such person possesses a Certificate of Citizenship or Exemption.  This condition has disqualified Mrs Horace Calgaret from receiving a maternity allowance" (Vicenti & Dickman 2008, p. 40).  All of Ida's children were eventually removed by authorities and sent to Roelands Mission, despite the assessment of the Native Welfare Officer that they were "well cared for"; Vicenti states that Ida and her husband were threatened "that unless the children were sent willingly, they would all be separated and sent to different missions" (Vicenti & Dickman 2008, p. 40).

In 1942 the maternity allowance was extended to "Aboriginal natives" who were exempted from state-based Aboriginal protection laws (Dow & Gardiner-Garden

2011).  It was not until 1959 that all Aboriginal people except those classed as "nomadic or primitive" were granted entitlement to Commonwealth pensions and maternity allowances, with full equality in the payment of Commonwealth social security benefits not gained until 1966 (Markus 1995, p. 250).  The exclusion of payment of maternity benefits to "nomadic or primitive" Aboriginal people as late as 1959 highlights the racist underpinning of such policies; if they had been based on an assessment of need rather than racially-based motivations, such groups would surely have been a high priority to receive these payments.

In addition to being denied maternity payments offered to promote white motherhood, Haebich identifies the "shocking neglect" of Aboriginal mothers' maternal health (Haebich 2000, p. 204), with Central Australia also reporting one of the highest incidences of infant mortality in the world as late as the 1960s (Haebich reports the infant mortality figure at 25%, Haebich 2000, p. 29).  Haebich describes the "anti-natalist" strategies put in place in Australia to minimise further growth of the "half-caste" population as having direct equivalence to the measures put in place by some European countries in the 1930s to manage the reproduction of unwanted racial groups (Haebich 2000, p. 205).  In its most extreme form, anti-natalism in Nazi Germany led from forced sterilisation (1933) to non-voluntary abortion and marriage restrictions (1935), and ultimately to genocide (Bock 1991, p. 234).  Two-thirds of German Jews deported to and killed in the death camps were women, with pregnant women or mothers accompanied by young children most likely of adults who were otherwise fit to work to be immediately selected for death upon arrival at the camps (Bock 1991, p. 249).  While in no way suggesting a direct parallel between the experiences of Aboriginal mothers in the Stolen Generations era and those of Jewish mothers during the Holocaust, the over-representation of Jewish mothers and children as victims in the Holocaust highlights the vulnerability of women because of their status as mothers or potential mothers or the carers of children when states make racially-based decisions to "manage" populations that are identified as undesirable / unwanted.

### Child endowment

Another family payment that was initially withheld and then eventually paid on a discriminatory basis to Aboriginal families during the Stolen Generations era was the child endowment.  The child endowment was first introduced in NSW in 1927 "for the benefit of children by means of endowment payable to mothers" (*NSW Family Endowment Act* 1927 preamble); Markus has described this Act as pioneering in that it no longer imposed a blanket exclusion on people classified as "Aboriginal" (Markus 1995, p. 250). The child endowment was paid for a brief time directly to Aboriginal families but then payments were made instead to the NSW Aboriginal Protection Board, with Aboriginal families not receiving the payment on the same basis as non-Aboriginal families until the 1960s (Goodall 1995, p. 93).  In a similar fashion to the grab for federal maternity allowance payments by the Queensland Aboriginal Affairs organisations outlined by Kidd (Kidd 1997, p. 86), Goodall has described how the NSW Protection Board co-opted federal child endowment payments with the aim of supplementing dwindling state-based funding for Aboriginal welfare after its rations budget was cut during the Depression era; the NSW Treasury then cut the APB budget again so there was no net gain for Aboriginal welfare funding and a loss of control of precious funds by individual Aboriginal mothers (Goodall 1995, p. 93). Goodall notes:

> The Board justified its assumption of control over Family Endowment payments by suggesting that Aboriginal women had 'squandered' this benefit, an assertion which was in complete contradiction to the actual concerns held by Commissioner.  The Board argued that if a woman was judged to be 'competent' she might receive direct cash payments of the state Endowment, but this occurred for only a few families before the 1940s. (Goodall 1995, p. 93)

Kidd similarly identified that in Queensland, Aboriginal settlements applied for and received federal child endowment funds as a bulk monthly payment, a move justified by the argument that Aboriginal mothers might not expend the funds appropriately to benefit their children; "Only a fraction was paid to the parents" (Kidd 1997, p. 167).  Again, rather than federal funds being seen as a valuable

increase in much-needed funding for Aboriginal welfare in Queensland, "the department slashed mission subsidies in 1942" (Kidd 1997, p. 167). Likewise, Haebich has highlighted the co-option of child endowment payments by authorities in "most states and the Northern Territory", with funding being used to expand Aboriginal institutions; such funding ironically thus "contributed to the continued removal and institutionalisation of Aboriginal children - in express contradiction to stated policies of keeping children with their families" (Haebich 2000, p. 451) - a policy goal that apparently only applied to white families.

The federal government first introduced a national child endowment scheme in 1941, and extended the scope of the scheme in 1950 (Lake 1993, p. 392). Initially, "nomadic" or "dependent" Aboriginal people were not eligible to receive the payment (Rowley 197, p. 38). Rowley noted that while "Nomadic" persons were disqualified from receiving child endowment payments, there was no precise definition of "nomadic"; he also noted the anomaly "that while a full-blood mother could not receive a maternity allowance, she could receive child endowment after the child was born" (Rowley 1971, p. 396). Children living in institutions were also initially excluded from receiving the endowment (O'Neill 2011); this was amended in 1942. Kidd highlighted that subsidies provided by the state government for the support of institutionalised children in Queensland were paid differentially on the basis of race; the rate for white children living in institutional care was set at seven shillings per week and came from the Home Department budget, whereas the rate for Aboriginal children was about one third of this and came from general funding for Aboriginal relief (Kidd 1997, p. 58).

Many sources highlight the importance of child endowment payments to Aboriginal mothers, which were for many the first regular income they had received (Brock 1995, p. 146). In her autobiography Alice Nannup describes the personal impact of the extension of the child endowment to struggling Aboriginal mothers:

> Early in the war years the endowment had come in, and that was a big help to me. It was a bit of a battle for me to get it through - I had the problem of

Ron's birth not being registered all over again. I had to prove I had Ron in Meekatharra, and I ended up having to write to the doctor who attended to me after he was born….We didn't get a lot of assistance then, just five shillings for the eldest child, then two and six for each other child. (Nannup, Marsh & Kinnane 1992, p. 180)

Nannup describes being confronted one day in the main street by an Aboriginal Affairs officer who accused her of misspending her child endowment money:

'I've had a report about you not spending your money properly,' he said…'if you don't spend your money properly, we'll have to take your endowment away from you.' (Nannup, Marsh & Kinnane 1992, p. 188)

Eventually she satisfied the officer that she had not spent her endowment funds inappropriately by producing the parcel of goods she had purchased. Nannup comments

…he left me alone after that. But that was what it was like. They could just stop you anytime, anywhere, and ask whatever personal questions they liked….Getting a bad report about you was something to worry about, in case they got it into their heads to take your children away from you. That was something I was never, ever threatened with, but the worry was always there. (Nannup, Marsh & Kinnane 1992, pp. 188-189)

Nannup's comment highlights the interconnectedness of poverty, access to welfare payments, and child removal for Aboriginal families.

### Pensions

The new federal government passed "groundbreaking" social security legislation in the *Invalid and Old-Age Pensioners Act* 1908 (National Museum of Australia, undated); however "Asiatics (except those born in Australia), or aboriginal natives of Australia, Africa, the Islands of the Pacific, or New Zealand" were disqualified from receiving these pensions (Shaw 1999). Charting a timeline for Aboriginal

access to federal social security, Shaw identifies that in 1942 Aboriginal people who were exempted from state protection laws became eligible for the first time to receive federal pensions and benefits, although he notes that "very few were exempt"; in 1959 the *Social Services Act* was amended to remove the disqualification of Aboriginal people, except for those deemed "nomadic" or "primitive"; and it was not until 1966 that all specific references to Aborigines were removed from the Act (Shaw 1999).

When the Widows' Pension was introduced nationally in 1942, "aboriginal natives of Australia" were again specifically excluded, along with "aliens" and "aboriginal natives of Africa, the Islands of the Pacific, and New Zealand" (*Commonwealth Widows' Pensions Act* 1942).

One benefit that Aboriginal women were not excluding from receiving on racially discriminatory grounds was the War Widows' Pension (*Commonwealth War Pensions Act* 1914). Two autobiographical sources describe the difference receipt of war widows' pensions made to Aboriginal families. Rita Huggins describes the importance of the small but regular payments she received after the death of her husband:

> He had contributed to a superannuation fund from which I received a small fortnightly cheque, as well as a war widow's pension from Veterans' Affairs. This money was a godsend and enabled my family to have shelter, food and clothing. (Huggins & Huggins 1996, p. 66)

Similarly, Sally Morgan describes her mother receiving a war widow's pension after her father's suicide is attributed to his war service; "It was regular money at a time when we needed it" (Morgan 1987, p. 60). Tellingly, although struggling financially neither Rita Huggins nor Gladys Corunna (Sally Morgan's mother) experienced the removal of their children; the small but regular pension payments they received were vital in maintaining the integrity of their families.

The Single Mothers' pension was not introduced in Australia until 1974, outside of the scope of the Stolen Generations era. As identified earlier (and also see Table 6, Appendix 2), over half of the Aboriginal research participants who were removed from their families came from single parent families, highlighting the extreme difficulties facing single Aboriginal parents, the overwhelmingly majority of whom were mothers.

### Rationing out welfare

In addition to being specifically excluded from receiving family payments such as child endowment and the maternity allowance, some state-based Aboriginal welfare administrations "paid" benefits to Aboriginal people in the form of food rations rather than cash payments, presumably on the basis of assumptions that Aboriginal people could not be trusted to make wise choices about how they would expend cash funds.

Nannup describes the indignity of being forced to go to the police station and ask for assistance in the form of rations:

> Around this time, when Joan was a baby, we were finding things pretty hard going and a few times I had to go down to the police station and ask for rations. The police were our protectors in those days and it was terrible going down to the station to ask for help. It was a really hard thing for me to do, to go asking for things, but we were left with no other choice.
>
> The worst thing, aside from the shame I felt, was all the questions they'd ask. They'd ask you everything under the sun, and they'd say things like, 'Why haven't you got a job, plenty of jobs around.' Well, this just wasn't true, and besides, I had four children to look after. How was I going to manage another job as well? (Nannup, Marsh & Kinnane 1992, p. 173)

Heather Vicenti's autobiography also describes her experience of being given food rations when what she desperately needed was money to pay the rent for housing for herself and her children (Vicenti & Dickman 2008, p. 96).

Ruth Hegarty's autobiography details the differential basis on which Aboriginal families were allocated the maternity allowance (Baby Bonus) and child endowment funds even after they became eligible to receive them:

> The Baby Bonus, which was a Government payment of seventeen pounds for boys and fifteen pounds for girls, was useful for purchasing things from the Mission Store as well as other goods, unlike the Child Endowment. We purchased a cabinet and table and chairs for the kitchen. The Child Endowment, though introduced in about 1941 and payable to all Australian families, was now available to Aboriginal people living on Missions. However, it was not readily made available to us as cash, but could be used to purchase goods, on Order Forms, to the value of whatever you were entitled to. (Hegarty 2003, p. 68)

### 'Strange anomalies': the impact of 'racial classification' systems on access to social security

Aboriginal mothers also experienced bizarre problems due to convoluted racially-based state welfare systems, which arose when their children had a different "racial classification" to their own, and so had different entitlements to welfare. Vicenti's autobiography details correspondence written by a white friend to the Minister for Native Affairs complaining on Vicenti's behalf about the discrepancy between welfare assistance paid to Aboriginal and non-Aboriginal women (as noted above, Vicenti had received rations rather than money when she approached Native Welfare for relief after her marriage broke up). The response from the Minister for Native Welfare dated 22 February 1962 stated:

> As to relief assistance, circumstances and conditions governing the issue of relief by the Child Welfare Department and by the Native Welfare Department are much the same. The Child Welfare Department, in most cases, issues relief in monetary form according to the number of family units. The Native Welfare Department, as a matter of policy, grants relief in the form of food orders. The value of food orders given is in all instances

equal to or is slightly more than the value of Child Welfare monetary relief in identical cases.

To avoid confusion, and particularly to avoid 'doubling up' on both Departments, it was necessary for them to agree on administrative practice and procedure. In brief, a native applicant for relief applies to the Native Welfare Department irrespective of the caste and status of the dependants, whilst a non-native (including quadroons and less) applies to the Child Welfare Department, irrespective of the caste and status of the dependants. Such an arrangement was found imperative to avoid confusion in mixed marriages or de facto unions.
(Vicenti & Dickman 2008, p. 96)

But by 1963 the Department had apparently changed its policy; a letter from the Commissioner of Native Welfare dated 17 June 1963 stated "The correspondence attached to your memo…is returned to you for your attention, as the children concerned are quadroons and, therefore, outside the jurisdiction of the Native Welfare Act" (Vicenti & Dickman 2008, p. 97). Vicenti observes:

My half-caste status determined that I was under the jurisdiction of the Native Welfare Act, which entitled me to rations and not money. This situation meant I was unable to pay rent. My children, though, were classed as 'quadroons', so they came within the jurisdiction of the Child Welfare Act. Monies were distributed through the Child Welfare Department. It was a very strange anomaly.
(Vicenti & Dickman 2008, p. 97)

The ludicrousness of attempting to administer family welfare along racial lines recalls Rowley's insight about "how prejudice creates its own special problems":

…[The Aboriginal Affairs Department] probably contributed, in each State, as much to the 'problems' it was ostensibly solving as any other single factor. There is something reminiscent of Lilliputian politics, in both the

scale and in the degree of logical absurdity, in the administration of
Aboriginal Affairs at this time. (Rowley 1971, p. 8)

## Stolen Mothers – the impact of the requirement to work on Aboriginal mothers

Another major point of differentiation between many Aboriginal and non-Aboriginal mothers during the Stolen Generations era was the requirement many Aboriginal mothers faced that they must return to work, regardless of their carers' responsibilities for babies and young children.  The *BTH* Report describes Aboriginal children being sent out to work as "forcible removal through employment", although only one sentence in the Report acknowledges that this practice also impacted on mothers (HREOC 1997, p. 75). The requirement to work particularly impacted on young Aboriginal mothers living on missions, who were often sent on domestic service placements within twelve months of the birth of a child, resulting in the removal of their child or children to be raised in mission dormitories, or necessitating other care arrangements to be put in place.  Even Aboriginal mothers who were not living on missions often faced the necessity of seeking paid work to support themselves and their children; although it is important to note that this situation was analogous to that faced by other "minority women", who as Pettman notes have disproportionately borne the responsibility for their families' upkeep (Pettman 1992, pp. 64-65), as well as to that of some working class white women, particularly single mothers.

Aboriginal protection legislation contained clauses relating to apprenticeship and licensing as well as the placement in domestic service of Aboriginal minors and, in the case of the Northern Territory, all Aboriginal people who were not exempted from the legislation.  It was an offence under these Acts to leave employment without permission, and in those states where state authorities were the legal guardians of Aboriginal children they had the power to approve apprenticeship, licensing and domestic service arrangements for them, sometimes in the case of Aboriginal women until they turned 21.  This led to the situation described by a number of female Aboriginal research participants, who were living on missions, sent on work placements as domestic servants, became pregnant, and

subsequently were sent on another domestic service placement after the birth of their child, with no consideration of their primary care commitments for their own child/children.

A white research participant who worked as a missionary in the Northern Territory discusses the establishment of the Retta Dixon Home in Alice Springs specifically to provide care for the children of Aboriginal mothers who were required to return to work:

> And uh, quite a few others with her, the same, in the same category, whose mothers had these children and had to go out to work. There was no single parents' benefit and things like that. No social services for them. They had to go out to work. (Male, NT, NLA TRC 5000/195, pp. 36-37)

One research participant, a mother who experienced her three children being removed to a mission dormitory due to her being sent out on work placements as a domestic servant, describes the impact of work commitments on Aboriginal mothers' ability to care for their children:

> And when I had my children, my girls had to be taken into the mission too...we had to leave them when we had to go to employment...We had to go and work on all the cattle stations. And hand them in when they turned six... I had the three girls. And when they grew up, the station people didn't want them women with children going out to the station. They wanted us to leave the children behind...And we knew how to take care of our children. We weren't like that old mothers. He [her husband] said, 'We didn't just come in from the bush, we were brought up in the dormitories.' But they still took the children off us, and told us it was the government orders, to take the children off their parents while they went out to employment...You weren't allowed to see your children till twelve months were up. (Female, QLD, NLA TRC 5000/280, pp. 19-20)

This research participant, who describes her current attempts to reclaim wages from the Queensland government for years of unpaid domestic work, is bitter that she was forced to leave her children behind and was not even appropriately recompensed for her work:

> I used to go, I worked there for nothing, we worked there for nothing. Leaving a little tiny baby.  (Female, Qld, NLA TRC 5000/280, pp. 30-31)

The types of work most likely to be undertaken by Aboriginal people during the Stolen Generations era, such as  domestic service or station work, were more likely to be in remote areas, requiring people to live-in, being unable to have children accompanying them, and requiring lengthy periods away from home.  Sometimes mothers were allowed to take their children with them on work placements, particularly younger children, however white employers did not always welcome the presence of children.  One Aboriginal research participant comments that she thinks this was because of the belief that the children's presence "used to hinder the mothers from working or something" (Female, Qld, NLA TRC 5000/280, p. 36). She describes being forced to leave her daughter outside in a pram as her mistress would not allow her to bring the child inside the house:

> I had to leave [Name] under the tree in a pram.  The poor little girl used to cry her little head off.  Yeah.  While she had the mother inside crawling on hands and knees polishing the floors and all that." (Female, Qld, NLA TRC 5000/280, p. 32)

> Well, it was tough now.  All of us went out of the mission and left all of the kids behind.  We had to go out and work.  If you came back, if you broke your agreement, they'd make you go back to do it again…Yes, we didn't have any choices. (Female, Qld, NLA TRC 5000/280, p. 34)

Another research participant describes her experience growing up on a mission and being raised by her grandparents and extended family because of her mother's work commitments:

My mum didn't raise me all the time, I mean I knew my mum.  I'd seen her intermittently from time to time.  Other times she was with me and other times she wasn't. Most of the time I was raised by my grandparents…. [the mission] used Aboriginal people as itinerant workers.  And they couldn't get enough people to work on the farms and on the properties, you know the sheep stations and cattle stations and so any available bodies they would send out to work, and if they had children they were placed with grandparents or others that were able to look after them in the community.  If there wasn't anyone that, family, they were then put into dormitories…
(Female, QLD, UTS Transcript RP1, pp. 1-2)

When this research participant herself had a baby as a single parent in her teens, she is sent out on a work placement by the mission and has to make alternative arrangements for the care of her baby:

…so I was put in the babies quarters….I stayed there until [my son] was about 12 months old, and they decided I needed to go out to work….And in the end they ended up sending me out to work, and I had to, I had to then find somebody else to look after [my son] – I was still breastfeeding.  And I said to, I said "Oh, I can't".  They wouldn't let you take him with you.  So my aunt said to me, "I'll take him", she said, "Uncle and I'll take him, we don't have any children." They only had the one daughter, and she was my youngest sister, or regarded as my younger sister.  And she said, "We'll take [Name], we always wanted a boy but we never had one."  And so, I said, "Oh, OK then." And, I hated the thought of leaving him, you know, but it was either that or he was going to be put into the baby, with someone else to raise him in the baby dormitory, or in the boys' dormitory…
(Female, QLD, UTS Transcript RP1, pp. 19-21)

In her autobiography Rita Huggins discusses the care arrangements she put in place for her eldest child, conceived while she is working as a domestic servant as a young woman:

During my domestic service my first-born Marion (our name for her is Mutoo) was born in Cherbourg on 18 May 1942. Due to my young age and domestic service duties I left her in my parents' care.  It was a hard thing for me to do but with being sent out to work all the time I had no choice.  My parents raised my daughter as if she was their baby girl and considered her to be their youngest daughter.  She had a strong bond with them and they gave her enormous love and support.

(Huggins & Huggins 1996, p. 42)

A research participant also recounts being sent out to work shortly after the birth of her eldest child:

They had a job waiting for me, domestic….It's down the south-west near Albany somewhere.  But I never lasted long there.  I was yearning for my boy, I was fretting for him. ("Evelyn", Female, WA, p. 87)

After reclaiming her child from his father's family, this research participant was forced to again make arrangements for his care due to her work commitments; she placed him temporarily in Sister Kate's in 1957, although she describes being able to visit him regularly and even take him out on weekend visits ("Evelyn", Female, WA, pp. 88-90). This is in contrast to a number of other research participants who describe their parents being discouraged from visiting them at Sister Kate's; possibly this was because this research participant was at the time married to a white man and therefore conforming to expectations that she lead a "white" lifestyle.

### State surveillance of and intervention in Aboriginal families

Aboriginal families living on missions and reserves were subject to a heightened degree of supervision and surveillance by white authorities, which contributed to an increased risk of child removal.  Read has contrasted child removals from two Aboriginal communities in NSW between 1945 and 1969; nineteen children were removed from Erambie Aboriginal reserve in this period, but none from the large

Aboriginal community living in Narrandera where there was no reserve (Read 1984, p. 9). Read's oral history of the Erambie Reserve in Cowra documents the diverse circumstances that led to child removal. including parental ill-health, neglect arising from alcoholism, and the removal of children as a form of social control / punishment of dissenting adults who did not cooperate with the mission manager. One interviewee in Read's anthology highlights an example of what she saw as child removal as payback for non-compliant behaviour:

> I think they sent [Name's] children away because they reckoned she was drinking too much. She was the only one that stuck up for herself, I think. He [the manager] just done that for spite, I reckon. They had her up for neglect I think... I think that was him [the manager] taking it out on [Name], getting at the kids. That's the only way he could get her.
> (Quoted in Read 1984, pp. 117-118)

Historians have described the ways in which Aboriginal mothers were specifically targeted by welfare agencies in the era of assimilation policies, because these agencies recognised the pivotal role that mothers played in transmitting cultural values. Goodall describes the NSW Aboriginal Protection Board using Aboriginal women's "care and commitment to their families as a weapon" in an effort to impose nuclear family structures and white values on Aboriginal families (Goodall 1995, p. 88). Haebich has also described the role of welfare officers in monitoring Aboriginal mothers, "to ensure good housekeeping and hygiene, conventional familial living arrangements, appropriate furnishings, careful budgeting, prudent saving and so on" (Haebich 2000, p. 489).

### Removal due to mission policy

A number of research participants describe their experience growing up on Aboriginal missions, and state that a requirement of living on some missions was that all children were sent to live in the mission dormitory when they reached a certain age. Haebich argues that this was particularly the case in Queensland, where "the majority of children removed over the years in Queensland were accompanied by adults from their families or communities, although they were

separated from them on arrival at the missions and government settlements..." (Haebich 2000, p. 174). The *BTH* Report describes this as "forcible separation through the dormitory system", and notes that in Queensland almost all of more than 2,000 children sent to missions and settlements between 1908 and 1971 would have ended up in dormitories (HREOC 1997, p. 75).

One research participant describes the removal of her children to the mission dormitory in the 1950s:

> Interviewee: I couldn't say [anything] because I was frightened thinking about that police all the time, you know, whether they were grabbing 'em and sending 'em away. I was thinking of that what's they're gonna keep 'em there for a while and send him back afternoon like that, you know. But they keeping it for good. They take 'em away there, them three.
> Interviewer: When did you realise that they weren't going to come back?
> Interviewee: We thinking all when they gonna come back and then we used to talk together. Be thinking about it all the time and talk, 'When them kids gonna come back here to us?' but they never tell us they'd gone for good.
> Interviewer: What did you think of that, those people taking your children away from you?
> Interviewee: I didn't like it. I don't like taking kids from parents, you know. [pause] Now when we come back here, she said, 'You my mother?' She asked that to me, I put my arm around...'Yes'.
> (Female, QLD, NLA TRC 5000/36, pp. 18-19)

At first this research participant was able to visit her children on a regular basis, even though parental visits were limited to Sundays only. However, when the local mission closed her children were relocated without her knowledge to another mission some distance away (NLA TRC 5000/36, p. 22).

Another Queensland research participant speaks about her removal from her mother when she was sent to the mission dormitory:

...she [her mother] grew them [her children] up until they were six years old, that is when they'd take the children into the dormitory. Government orders. (NLA TRC 5000/ 280, p. 3)

Stuart Rintoul's oral history collection *The Wailing* also includes a man's account of his removal at age ten to the mission dormitory on Yarrabah Mission in Queensland:

There was a dormitory set up - one for girls, one for boys, when we were ten years of age. I remember going there, till we were sixteen. We had to do that. We were taken off our parents, forcibly. It was a very sad day. I cried for about a week after. No one actually came to get me. It was a known thing that as soon as your sons or daughters reached the age of ten you were to take them up to the dormitory and place them in the dormitory. This had happened on that day. My mother took me up and left me there. (Quoted in Rintoul 1993, p. 114)

It is interesting to note here that although this man acknowledges that he was forcibly taken from his parents, he singles out his mother's role in the process in his final comment; there will be further discussion of removed children's perceptions of their mother's role in their removal in Chapter 5.

Some research participants from other states also describe being separated from their families within mission dormitories, for example this case from Western Australia:

If you was a Beagle Bay family you had to stay in Beagle Bay, but your children, as soon as they turned eight, they had to go to the dormitory. They couldn't stay home with you. Not one family in Beagle Bay had their children with them. Only the younger ones would be with the parents, and the rest was in the dormitory....People playing with people's lives. That's that they were doing with us over there.
("Leo", Male, WA, p. 32)

Evelyn Crawford's autobiography also mentions Aboriginal parents living on Brewarrina Mission in NSW being powerless to prevent their daughters being sent to the dormitory, "whether [they] wanted it or not"; she believes this was a factor in her parents' decision to leave the Mission (Crawford 1993, p. 80).

## Conclusion

My focus in this chapter has been on identifying the significant and widespread impediments impacting on Aboriginal mothers' capacity to care for and retain custody of their children during the Stolen Generations era. In summary these included:

- Legal inequalities in terms of guardianship status and other parental rights;
- Racial discrimination in access to social security benefits and family payments; where Aboriginal families were eligible to receive benefits these might be made in the form of rations rather than cash payments;
- The requirement that some Aboriginal mothers living on missions would work, irrespective of their carers' responsibilities;
- As a consequence of living on a mission, government reserve or Aboriginal "camp" on a remote property, the increased surveillance of Aboriginal families and the increased likelihood of intervention in these families, including the impact of mission "rules" requiring the placement of Aboriginal children in institutional care once they reached a certain age.

These issues resulted in Aboriginal mothers being subject to discriminatory and inequitable constraints on their parenting, and placed them at enhanced risk of having their children removed. Many of these issues were interrelated and combined to result in more Aboriginal families living in poverty, subject to state surveillance and intervention and therefore at increased risk of child removal.

In the next chapter I will move from analysis of the structural barriers to Aboriginal mothering to focus on the attitudinal barriers. I will examine different perceptions of Aboriginal mothering amongst the people most intimately involved

in child removal - Aboriginal people who were themselves removed as children, and white people who were involved in Aboriginal child removal processes.

# Chapter 4: No common ground: perceptions of mothering in the Stolen Generations era

This chapter focuses on the views and perspectives of two key groups intimately involved in Aboriginal child removal – Aboriginal people who were themselves removed as children and white people who were involved in child removal processes – and explores the factors they believe led to Aboriginal children being removed from their families in the Stolen Generations era.[11]

The diverse perspectives on child removal provided by these two sets of research participants highlight that for many, the Stolen Generations era remains a period of contested history, where there seems little common ground between the main parties involved as to what actually happened and who, if anyone, was to blame. White research participants involved in the removals process typically emphasise social disadvantage and parental neglect as key factors in Aboriginal child removal, and tend to highlight what they see as the positive benefits accruing to Aboriginal children subsequent to their removal. However, only a minority of Aboriginal research participants who were removed as children identify parental neglect as a significant factor in their removal. Overall, Aboriginal research participants relate few benefits resulting from their removal and many harms, including loss of language, cultural knowledge and identity; damage to self esteem; physical and sexual abuse; sub-standard material provisions for their care; and poor educational and work opportunities.

Of particular interest in terms of my research focus is the attitudes and perceptions expressed by both Aboriginal and white research participants about the Aboriginal mothers of Stolen Generations children. This chapter highlights how white characterisations of Aboriginal mothers as neglectful, uncaring and disinterested parents, who were seen by some as a potential threat to their "half-caste" children, were integral to the justification of child removal policies and

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[11] The perspectives of Aboriginal mothers about the reasons for their children's removal are explored separately in Chapter 6.

processes in the Stolen Generations era, and continue to be used to justify these past practices today. The attitudes expressed by Aboriginal research participants removed as children towards their white adoptive, foster mothers and female institutional carers are also largely, although not exclusively, negative. Aboriginal mothering is seen by both these groups of research participants as something that is distinct from white mothering and culturally based; there is little recognition however amongst white research participants that their values about what constitutes "good" or "normal" mothering are also culturally based.

## Reasons for Aboriginal child removal: divergent perspectives

Figure 3 provides an overview of the principal reasons research participants provided for the removal of Aboriginal people from their families. When identifying reasons for child removal, Aboriginal research participants are speaking directly about the circumstances relating to their own removal from their families, where these details were known to them; the figure includes categories for those research participants who did not know the circumstances of their removal ("unknown"), or who did not address these in their interview ("not specified"). As Figure 3 demonstrates, Aboriginal research participants who were removed as children had a broad range of perceptions about what they believed was the principal reason or factor for their removal from their families. For the white research participants whose perceptions are also captured in Figure 3, some were directly involved in removing children from their families, but others were more distantly involved in child removal, such as caring for Aboriginal children subsequent to their removal. Irrespective of how close or distant their direct involvement in child removal was, all white research participants expressed views about why Aboriginal child removals occurred and whether such removals were justified in any or all circumstances, and these views form the basis of their responses in Figure 3.

It should be noted that a number of white research participants provided multiple motivations for Aboriginal child removal – possibly because, unlike most Aboriginal people who were removed as children, these research participants

**Figure 3: Perceptions of the principal reasons for child removal, Aboriginal and white research participants**
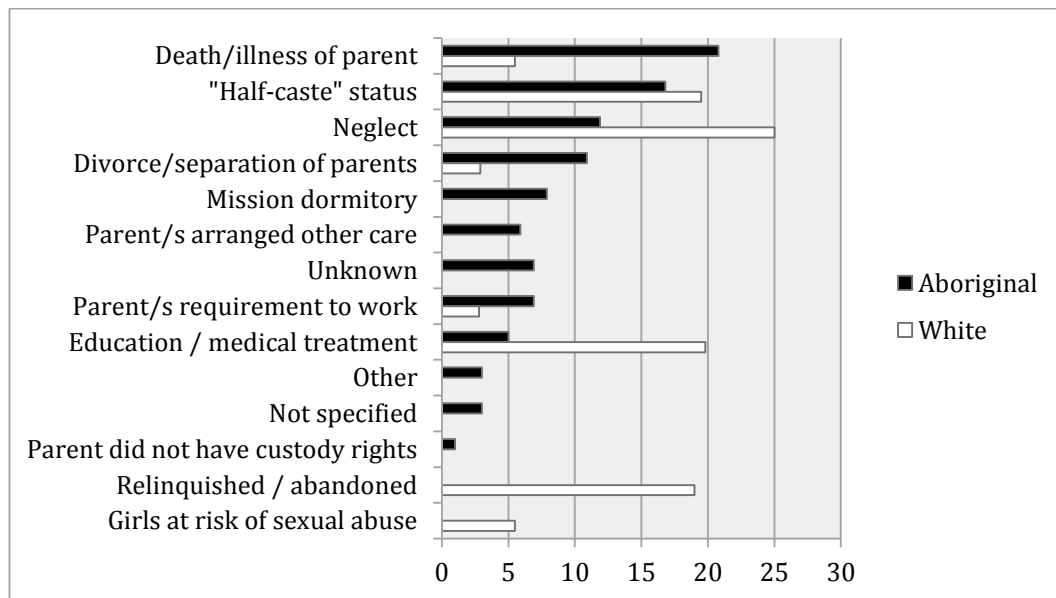


were involved in a number of different removals and the circumstances of some may have differed from others. Alternatively this may be because this group were highly aware that their past involvement in child removal has brought them under contemporary criticism, and they were seeking to justify their past actions. Some white research participants provided as many as five separate reasons justifying the removal of Aboriginal children; where multiple reasons were given they have all been captured in Figure 3.

It is also clear from their interviews that a number of the white research participants who had some level of involvement in the removals process were aware of the systemic issues facing Aboriginal families in the Stolen Generations era, such as the impact of extreme poverty, the lack of suitable housing and sanitation, the denial of family benefit payments to Aboriginal mothers, and the lack of parental custody. After all, in many cases these were people working "on the ground" directly with Aboriginal people – for example as patrol officers, police officers, missionaries, child welfare workers, doctors and nurses – and they were in many cases better informed than most non-Indigenous Australians about Aboriginal issues; indeed, some dedicated their lives to working with Aboriginal

people, which makes contemporary criticisms of their past actions hard for them to accept. However, these research participants rarely make explicit connections between these systemic issues of poverty and parental powerlessness and the phenomenon of Aboriginal child removal, with nearly half attributing child removal to poor parenting (child neglect or children voluntarily relinquished or abandoned). As Kidd argues, "Poverty, derelict housing, low education and employment levels, alcoholism and domestic violence, individual despair and community upheaval are still - conveniently - interpreted as aspects of an Aboriginal, rather than a governmental, problem" (Kidd 1997, p. 347).

It has been argued that the Australian debate around Indigenous child removals is characterised by

> ...the stand-off between those who argue that it should be seen in terms of 'welfare' on the one hand, or 'cultural genocide' - requiring an official apology and other forms of reparation - on the other....The categories 'welfare' and 'genocide' are generally treated as mutually exclusive, so that one can only argue for one by completely denying the validity of the other. (van Krieken 2004, p. 139)

Van Krieken describes the process by which colonisers constantly attempt to legitimate their past; he argues that colonising practices such as "welfare, civilization, and assimilation/integration" are harder for the contemporary beneficiaries of colonisation to let go of than past acts of murderous violence, as they remain part of current practice (van Krieken 2004, p. 145). As Stanner commented in 1964, "Our intentions are now so benevolent that we find it difficult to see that they are still fundamentally dictatorial" (quoted in Haebich 2000, p. 45). Carrington has also argued that contemporary removals of Aboriginal children continue because such removals "can be rationalised within psychological and social work discourses as the logical and legitimate response of benevolent and humane state interventions merely concerned with the welfare and preservation of children" (Carrington 1990, p. 14).

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One white research participant who was a senior official in the Department of Aboriginal Affairs from 1967-1972 appears to recognise, along the lines argued by van Krieken, that motivations of welfare and genocide were not necessarily mutually exclusive and could co-exist:

> What do I think about [the Stolen Generations]?  I think that those who perpetrated it, if I can use that word, in the past thought that they were doing it for the best of the children involved, but I think there was also another stream in it which was to eliminate the Aboriginal race by creaming off the part-Aborigines and leaving the traditional full-blood Aborigines just to die off, as was thought to be the likely outcome.  So there's those two strands.  I've no doubt that most of the missionaries, many of whom I knew quite well, approached it with a dedication, as did a lot of public servants I think.  I personally feel, in the light of hindsight, that they were all misguided in this. ("Harold", Male, ACT, pp. 2-3)

However, overwhelmingly the white research participants insist that Aboriginal children were removed from their families for their own good, and only when they would benefit from removal.  Many of the accounts of Aboriginal research participants who were removed as children make a strong counter-argument, describing being removed to environments where they experienced a poor standard of living and / or emotional and physical abuse.  For example, one research participant describes being removed in 1942 from his mother and stepfather when aged six years and transferred to Moola Bulla Station, WA, where he states that not even the most basic provisions had been made to shelter and care for the children:

> We were supposed to be taken away from our 'stinking blacks' camp'.  To be put in these big houses, dormitories they called them.  With clean sheets, bed, and everything….But these clean sheets and wonderful food we were supposed to have, there was nothing like that….Uh, well, we didn't have no father and mother, they were taken away from….And, we had to, survive ourself.  We had to feed ourself actually….And here we were thinking we

were going to be taken away to a better, better, better living thing.  But no, we were, we were worse off.  ("Bruce", Male, WA, p. 5)

He describes the children roaming around the station unsupervised in packs and fending for themselves as best they could:

Well, you know, like when we was at home, like with our mother, everybody knows your mother's there to look after you. But here, here in Moola Bulla, we, we had nobody to look after us….We had nothing.  We didn't know where we were going.  We had no education.  Supposed to be education, we never had nothing like that. ("Bruce", Male, WA, p. 10)

Eventually this research participant was transferred to Beagle Bay Mission where he described at least receiving some level of care.  Another research participant removed as a child suggests that the government should be judged by the outcomes of their actions, in the same way that they judged Indigenous parents:

…if you did a report card on the government and what they did to our family, let alone all the other kids that were taken away, they would be no better judged that what happened to my mother.  In fact, worse off , because whilst my family were taken into the care of the government and they promised to look after us, to give us a better life than what they'd taken from us, my sister was sexually abused by the people that they'd given her over to….My big brother was sodomised in the boys' home on Palm Island….the fact is, it didn't happen whilst we were in our mother's care. ("Francine", Female, Qld, p. 22)

Because the focus of my study is on Aboriginal mothers, and because these issues have been well-documented in other studies, I have not provided in-depth analysis of the experiences of research participants who were removed as children. However, it is important to note that in contrast to the views expressed by a number of white research participants that Aboriginal children were well cared

for, only a minority of the 101 research participants who were removed as children relate positive experiences of their care subsequent to their removal.

### Death or illness of a parent or parents

The most common reason identified by Aboriginal research participants for their removal from their families was the death or illness of a parent; 21% mentioned this as a key factor, with little gender difference within this category (see Table 8 in Appendix 2 for a breakdown of Aboriginal research participants' perceptions of the reasons for their removal by gender). Due to the high proportion of single parent families amongst my research participants, and the welfare authorities' apparent unwillingness to consider placing children with other Aboriginal relatives, Aboriginal children were at a particularly high risk of removal in the event of a parent's death or illness.

According to one research participant, the idea of being orphaned is foreign to Aboriginal culture, because extended family members would always step in to care for a child or children:

> Now, there's no such thing as an orphan in Aboriginal society, because what happens is I have other mothers, brothers and sisters who look after me. My mother's sisters, ever since my mother died, become my mother. (Male, NT, NLA TRC 5000/233, p. 3)

A number of Aboriginal research participants who were orphaned or whose primary parent was deemed to be unable to care for them questioned the failure of the welfare system to take into account their extended family's willingness and capacity to care for them, if there was indeed a genuine concern that their parents were incapable of doing so; they see this as further evidence of their removal being racially-based rather than it being on legitimate welfare grounds. Some indicated that their extended family attempted to take them in but were rejected as suitable carers by welfare authorities:

> They had a big family but they were willing to take these three extra
> mouths in to feed but the courts said, "No, they've got to go'... ("May",
> Female, Vic, p. 17)

Others describe their anger towards their extended family, who they believed had
not been willing to take them in:

> I started to blame 'em.  Like, you know, 'You coulda took us.  You let us go.'
> And like, you know, I blamed my aunties....I was so full of hurt, so full of
> hate in those times. ("Robert", Male, NSW, p. 18)

> I mean, even being with my family now, it's like, it's really confronting....
> And I sort of get really angry to think that we had a big family. Where was
> everyone to help us out?  You know, where was, where was our aunties,
> cousins and the rest of it?  Where were they? Yeah.
> (Female, NSW, NLA TRC 5000/264, p. 10)

This appears to be a clear point of distinction between the removals of Indigenous
and non-Indigenous children in this era; in the case of non-Indigenous children, an
effort was made to place the children with relatives before the last resort of
institutionalisation, whereas for many Indigenous children institutionalisation
appears to have been the preferred option (Haebich 2000, p. 154; Parry 2007, pp.
327-328; Read 1981, p. 7).

A white research participant who worked as a cottage mother comments on a
tendency amongst Aboriginal people to "blame the welfare" for their removal
("Colleen", p. 76).  It is certainly the strong perception of a number of Aboriginal
research participants that their removal to institutions was the first step in a
deliberate and sustained attempt to break their ties to their Aboriginal families
and to assimilate them into white culture.  An extract from a letter on a research
participant's welfare file, written by the Superintendent of the Moore River Native
Settlement and dated 19th September 1941 about the establishment of Roelands
in WA, confirms that parents and other Aboriginal relatives were seen by some

involved in Aboriginal child removals as an obstacle to the successful assimilation of Aboriginal "half-caste" children:

> Mr Bell is anxious to secure orphan children or children with no near family affiliations.  He realizes, and so does Sister Kate, that the presence of relatives is harmful in the rearing of coloured children to white standards.  He knows, as well as we have known for many years, that parents undo much of our good work, especially when they are of the nomad type or live under camping conditions. (Extract from a document quoted from during interview, Male, WA, NLA TRC 5000/184, p. 12)

In contrast to Aboriginal research participants, only just over 5% of the white research participants involved in child removal noted the impact of the death or illness of parents on Aboriginal child removal.

## Removal because of 'half-caste' status

The second most commonly cited reason for removal provided by Aboriginal research participants who were removed as children was that they had been removed because they were "half-caste":

> ...I think I was separated from my, um, my family due to the colour of my skin.  They um, they had the um, assimilation policy where um, part-Aboriginal children were, were removed from the um, Aboriginal mothers to be uh, assimilated into the white um, white population....I do believe that that was the reason why we were removed.  Not because we were neglected... (Female, NT, NLA TRC 5000/242, p. 22)

17% of Aboriginal research participants saw their "half-caste" status as the key reason for their removal, and 71% who identified this as the principal reason for their removal were female.  It has been documented that Aboriginal girls were at a higher risk of being removed during the Stolen Generations era, particularly prior to the 1950s, because child removals at this time were in large part motivated by authorities' attempts to control the "half-caste problem", and controlling the

sexuality and reproduction of Aboriginal girls was seen as the most effective way to do this (see Goodall 1990, Manne 2004). I have previously argued that these gendered removals of Aboriginal girls and attempts to manage their reproductive choices could arguably fall within Article II (d) of the *Convention on the Prevention and Punishment of the Crime of Genocide*, which addresses "imposing measures intended to prevent live births within the group" (Payne 2010, p. 39). It is interesting and reflective of the overall child-centred case being constructed that the *BTH* Inquiry did not pursue this line of argument, but instead focused on Article II (2) of the *Genocide Convention* relating to the forcible transfer of children.

An Aboriginal research participant distinguished between the removal of Aboriginal children and the removal of non-Aboriginal children on various grounds, highlighting the racially discriminatory nature of Aboriginal child removals:

> ...there is a difference between the children that were removed in the forties, fifties and sixties who are non-Aboriginal. They were taken away for various reasons, but the reasons for Aboriginal people to be removed, it was legislation, it was law in this country, that because they were mixed blood they could take Aboriginal children away....I don't deny or I don't look down on or begrudge any child who has been separated from their parents, because that experience needs to be acknowledged because it is painful. But the fact remains here in Australia that there was law in this country, that said that they could take us because we were mixed blood children, or because we were Aboriginal, basically. ("Vicky", Female, Qld, p. 45)

The claim that any children were removed during the Stolen Generations era on the basis of their Aboriginality has been heavily contested, most notably by commentator Andrew Bolt, who claims that the Stolen Generations is "a myth" and that no one has been able to meet his challenge "to name even 10 children who fit *the proper definition*" (Bolt 2014, my emphasis); and historian Keith Windschuttle, who argues that there were no Stolen Generations:

Aboriginal children were never removed from their families in order to put an end to Aboriginality or, indeed, to serve any improper government policy or program. The small numbers of Aboriginal child removals in the twentieth century were almost all based on traditional grounds of child welfare. Most children affected had been orphaned, abandoned, destitute, neglected or subject to various forms of domestic violence, sexual exploitation and sexual abuse. (Windschuttle 2009, p. 17)

I have outlined in Appendix 4 how attempts to define who can and cannot claim the status of belonging to the Stolen Generations are used by a number of white research participants to de-limit the extent of the violation. However, a significant issue among Aboriginal research participants who believe they were removed from their "full-blood" mothers because they were "half-caste" is that in a number of cases described by my research participants, only "half-caste" children were removed; their mothers were allowed to keep and raise their "full-blood" children. For example,

> …all the half-caste kids were taken away, were fostered out from the welfare, but she had the two full blood kids with her, who grew up. ("Beth", Female, SA, p. 6)

> Interviewee: So I had more brothers and sisters, that I didn't even see or knew of.
> Interviewer: Right. Were they, were those brothers and sisters, were they ever taken?
> Interviewee: No, no. They were, they were full-blood…They grew up there. ("Iris", Female, NT, p. 17)

> … she must have been as hurt as I was, having two children taken away from her because they were not black. And of course to stop this from happening again, I mean Mum ended up marrying a half-caste guy so she could have black children so they couldn't be taken away from her. And this is what she ended up doing. (Female, WA, NLA TRC 5000/177, pp. 5-6)

Some have argued that the focus on the removal of "half-caste" children is evidence that authorities' motivations in removing these children were benign and aimed at giving them a chance to be successful in white society (Windschuttle 2009, p. 18). However, I believe this evidence of the selective removal of "half-caste" children, leaving "full-blood" children to be raised by their parent or parents, casts significant doubt over claims that child removals were primarily motivated by concern for the welfare of the child, and highlights instead the underlying racial motivations for child removal. It is highly suggestive that the Welfare's concern was not about children living in poverty or being "neglected", but that "white" or "near-white" children were living in appalling conditions – these same conditions were, it seems, perfectly acceptable for "full-blooded" Aboriginal children to live in. This also speaks to contemporary perceptions of Aboriginal motherhood; the same mothers who were considered "neglectful" and incapable of raising a "half-caste" child were nevertheless deemed capable of raising their "full-blood" children.

White research participants who were involved in child removals also identify the "half caste" status of Aboriginal children as a factor contributing to their removal, with 14% citing this as a reason; however, their perception was that "half-caste" children were unwanted in "traditional" Aboriginal communities:

> Once they were half-castes their tribe didn't want them, and that is definite
> because I was told that, not only by the matron when I came and she left,
> but I was also told by themselves that they didn't want the children.
> (Female, NSW, NLA TRC 5000/116, p. 11)

This view is prevalent amongst white research participants, being variously expressed by people who worked in a range of different roles in Aboriginal child removal – including patrol officers, a police officer, a nurse, a missionary and a cottage mother. In some instances this belief that "half-caste" children were unwanted in Aboriginal communities is not based on personal experience but rather is described as "common knowledge":

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No, no elder ever said that to me but it was sort of common knowledge. The old fellas, the old fellas didn't like these children. It sort of messed up the tribal situation, which was very sad for the child involved. If there was an opportunity for it to get a better life, um, well I couldn't, I couldn't see anything wrong with that. But it had to be done in my case certainly, only through the proper channels. (Female, SA, NLA TRC 5000/222, p. 45)

Other white research participants describe mixed reactions by different communities towards "half-caste" children:

Today they all claim Aboriginal, and I think that the Aboriginal people probably claim them today. But what was said in my day was that some tribes accepted them and some did not....But I maintain that the person I met at Croker Island who was part Aboriginal was not accepted by that tribe. They might argue the opposite today, and that might be true in today's thinking, but I maintain that thirty years ago it was not true. I think that what was said, that some tribes accepted them and some did not, was true. ("Colleen", Female, SA, p. 45)

Another white research participant argues that people of mixed European and Aboriginal descent in the Northern Territory did not themselves identify as Aboriginal and were perceived by both "full-blood" Aborigines and whites to be a distinct group, even within families that contained both "full blooded" and "part-coloured" children, although he acknowledges that these groups did "blend at the edges" ("Keith", Male, NT, p. 7).

"Half-caste" children are described by some white research participants as being at particular risk of being harmed or neglected:

...part-coloured children were the butt of jokes, torment, teasing and bullying in Aboriginal communities. In many cases, of course, they were loved. In many cases, they were hated, and kicked and butted about. ("Keith", Male, NT, p. 14)

Well, they didn't really fit in at all. That was one of the major problems, a lot of the fights were over the kids The women in particular used to fight amongst themselves, and that was all usually over children, and usually over the part-Aboriginal children You know, because quite often the woman might have one part-Aboriginal child but she'd have a number of traditional Aboriginal full blood children as well. It was always that the part-Aboriginal was the one that was neglected. I know that, you know, at that particular time there was a policy of removal of part-Aboriginal children. It was a policy. It was never enshrined in legislation. It was always taken as a guideline that the welfare of the child was paramount. It was from that attitude that most of these children were taken into care. They weren't forcibly removed. (Male, NT, NLA TRC 5000/105, p. 20)

The inherent racism within the white concern with "half-caste" children should be noted; white sensibilities were perturbed at the idea that children of white descent could be "living like blacks":

That outraged [O. A. Neville's] sensibilities, that these nearly white children could be living like blacks, so he devised this scheme of setting up institutions for them. (Male, WA, NLA TRC 5000/14, Session 1, 00:42:52)

Because I've seen a fair haired child in an Aboriginal tribe, just roaming the outback and you think, 'Poor little kid, what hope has he got.'
(Female, SA, NLA TRC 5000/222, p. 44)

Whilst there is a degree of white discomfort at the thought of children of "white" or "near white" appearance growing up in Aboriginal families, there seems to have been no thought about the discomfort these children might experience at being placed in the culturally foreign environment of white families. The white adoptive father of an Aboriginal child comments that he and his wife were totally unprepared for the cross-cultural issues that might arise when they adopted an Aboriginal child in 1961:

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So we then proceeded [to adopt] without any advice of how we were going, or any questions on how we were going to bring up an Aboriginal person, a child, in a white community with hardly another person, an Aboriginal person, around in our suburb we were going to live in or were living in, away from their communities, away from their people....There was no advice about how we might proceed and what help we may get. This wasn't forthcoming. (Male, Vic, NLA TRC 5000/137, pp. 14-15)

In contrast to the views of white research participants, only three of the Aboriginal research participants speak about half-caste children being unwanted in their community of birth. One research participant says that Aboriginal children were told by the missionaries who cared for them after their removal that they were unwanted, but that he now doubts this ("Daniel", Male, NT, p. 5). Another Aboriginal research participant removed to Doomadgee Mission in north-west Queensland describes "half-caste" children being in "no man's land" (Female, Qld, NLA TRC 5000/280, p. 35). The third Aboriginal research participant who raises this issue states that "half-caste" children were unwelcome in Northern Territory Aboriginal communities, and expresses her support for child removal practices because of this:

Well, I, I don't agree with, that we should have been left out in the bush on our own, with the Aboriginal side of the family. Because we weren't wanted. I know that for a fact. It was all over Australia. This is full-blood and half-caste child I'm speaking of. Not half-caste parents. I'm speaking of full-blood tribal people. They really didn't want us. They didn't want us. Therefore it was a good thing that we were taken away, uh, to a better life, presumably. But we did have a good life. Most of us did. And if we didn't, well, you can still say it was a good life, because we learned to read and write and go with the mainstream. You got to look at it this way too. We are also part-white, therefore, the government of those days did the right thing by taking us away. Although, in some cases it wasn't very good for some of the kids but, um, I think the majority of mission brought up kids are

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um, much happier being taken away than, than being left out there. ("Flora", Female, NT, p. 72)

Interestingly, this research participant herself trained as a missionary and later worked on a mission, which may have given her a different perspective on child removal policies and practices. However, most Aboriginal research participants who were removed as children have a very different perception about the reasons why "half-caste" children were targeted for removal: they believe it was because it was government policy to remove them, and because their very existence and their visibility on stations or in towns was an embarrassment to the white community. Far from fearing harm from their family or community, many speak about attempts to hide them to protect them from removal; the trope of hiding a "fair-skinned" child away from police or "the Welfare" is a common element in many Stolen Generations narratives (see, for example, Williams & Wingfield 2000). Many also speak about the difficulties that their removal from their families has caused them in later attempting to reintegrate into their community, particularly the loss of cultural knowledge and the loss of traditional languages.

Only two Aboriginal research participants indicate that they were at risk of harm or were actually harmed because of their "half-caste" status. One of these instances is discussed in detail under the "Infanticide" heading below. In the other case, the research participant was not harmed by his mother or his own community but reported being treated with suspicion by other Aboriginal people after his removal to the dormitory on Palm Island because of his white appearance (Male, Qld, NLA TRC 5000/41, p. 8).

### 'Barbaric' mothers? The issue of infanticide

Two white research participants go further than stating that "half-caste" children were unwanted and the particular focus of neglect and abuse, and claim that they were at risk of infanticide. These claims are not based on these research participants' direct experience of instances of infanticide, but rather on rumour and perception. For example, a former patrol officer comments in the context of explaining why Aboriginal girls were targeted for removal:

...if she happened to get pregnant, I don't doubt many were hit on the head and killed.  I don't have specific demonstrations of that, but girls did disappear. ("Keith", Male, NT, p. 15)

Justifying the removal of Aboriginal children as something that was a necessary measure, a retired missionary comments:

Interviewee: Otherwise, uh, it's hard to say what might have happened to some of those little kids.  To put it bluntly, I was riding in the truck with the Superintendent down at, down at Phillip Creek.  We were driving to the camp, through the mulga, the bushes and the anthills, and the Superintendent said to me, he said uh, 'I wonder what story these anthills can tell.' You know what he was referring to?

Interviewer: Infancticide?

Interviewee: Infanticide.   Yeah.  Little coloured kids, often times, were not wanted.  Well this one, Peter Gunner, his mother stuffed him in a rabbit warren, rabbit burrow.  But that's what was happening.

(Male, NT, NLA TRC 5000/195, p. 31)

The reference to Peter Gunner relates to the *Cubillo and Gunner v Commonwealth* case brought before the Federal Court in 2000; during proceedings it was alleged that Gunner's mother had left him to die after being ostracised by her "tribe" because of his birth (Guilliatt 1999).

One Aboriginal research participant who was removed as a child speaks about her mother attempting to kill her shortly after her birth; she states she was rescued by her grandmother who raised her, and she was eventually accepted by her mother ("Flora", Female, NT).  She is the only Aboriginal research participant to raise the issue of infanticide.  This case of attempted infanticide challenges simplistic notions that infanticide took place because "traditional" Aboriginal people rejected "half-caste" children; in this case it is her "full-blood" grandmother who saved her life and raised her.  This suggests that motivations for mothers committing or

attempting infanticide were complex, and it cannot be readily extrapolated from these cases that all "half-caste" Aboriginal children were at risk of harm from "full-blood" mothers or extended family.

Reports of Aboriginal women's infanticide of "lighter-skinned children" date back to the early days of colonisation in Australia (Grimshaw et al 1994, p. 140). Theorists have argued that the problematizing of motherhood was part of a broader historical shift towards regulating reproduction that took place from the late eighteenth century onwards, as maternity was "increasingly associated with problems of infanticide, population control, poverty, and colonial, national and racial instability" (Greenfield 1999, pp. vii-viii). Distinctions between "civilized" and "barbaric" mothers were a vital part of colonial narratives and were used to bolster beliefs about white racial superiority (Greenfield 1999, p. 4); and as we see here, have also been employed to justify Aboriginal child removal. Judith Allen's study of women and crime in Australia challenges any construction of infanticide as a practice limited to "barbaric" Aboriginal mothers; she argues that infanticide was "the familiar, if desperate, resort of unmarried and married women in a range of circumstances" in nineteenth century Australia (Allen 1990, p. 245). Noting that there was a degree of "fatalism" surrounding the death of babies in the nineteenth century in contrast to the moralism and outrage of late twentieth century responses to such crimes, Allen comments that the lack of successful prosecutions of mothers who murdered their babies combined with the lack of state regulation of infant births and deaths highlight the prevalent social attitude of the time, that "this was women's business, to be managed by them as best they could" (Allen 1990, p. 33).

An Aboriginal perspective on the issue of the infanticide of "half-caste" children is provided by Theresa Clements in her brief autobiography written in the 1930s. Clements noted that in the early days of white settlement Aboriginal people did not let "Little white strangers" born to Aboriginal mothers live (Clements 1930, p. 2); she does not attribute this to rejection or infanticide by their mothers, however, and describes the care her grandmother lavished on her son (Clements' father) to ensure his survival – "...she never let him out of her sight" (Clements 1930, p. 2).

Haebich discusses the development of an image of a "primordial model" of Aboriginal mothers and their "half-caste" children, seen to consist of:

> ...'a black woman living in comparative savagery' with her abandoned child, 'the offspring of a white man', rejected by both white and black and living in a cultural limbo of disease, immorality and squalor.  The potent mix of Aboriginality, poverty, illegitimacy and the absence of a protective patriarchal figure, positioned 'half-caste' children automatically as being 'children in need' and made them the inevitable target of special state intervention.  (Haebich 2000, p. 137)

An anthropological study of infanticide in Aboriginal Australia undertaken in 1978 made absolutely no reference to the murder of "half-caste" children, which one would assume it would address if the infanticide of half-caste children had indeed been a widespread practice or problem (Cowlishaw 1978).  Rather than being racially motivated, Cowlishaw identified that the mother's situation at the time of the child's birth was the key factor in infanticide (Cowlishaw 1978, p. 264).  As Russell argues,

> Any discussion of infanticide needs to be conducted within a framework that acknowledges that Australia has a  lengthy history of denigrating Aboriginal motherhood, most notably when that motherhood involves mixed-race children. (Russell 2007, pp. 31-32)

Identifying the impact of extreme poverty, poor living conditions and the resultant health problems on Aboriginal families, Haebich points out that in the 1960s "Central Australia reportedly had the highest infant mortality rate in the world – one in four Aboriginal infants died" (Haebich 2000, p. 29).  Another perspective on the death of Aboriginal infants, in this case those in white institutional care, is provided by an Aboriginal research participant, who describes babies buried in the Moore River Settlement graveyard:

I used to wonder why they were passing away, these children, babies, but I've learnt now, looking back, it was because they didn't have any kind of immunization against these diseases, and of course they didn't have the nutrition as well to build their bodies up to combat any kind of infection, and the love and warmth from their mums and nans.

(Female, WA, NLA TRC 5000/278, p. 41)

### Aboriginal girls at risk of sexual abuse / pregnancy

Another rationale provided by white research participants for Aboriginal child removal was that Aboriginal girls were at particular risk of sexual abuse and / or pregnancy.  There is significant historical evidence documenting the focus of white administrators up until the 1950s on controlling the "half-caste problem" and attempting to limit its growth.  Measures were implemented to limit white access to settlements and missions; however controlling the sexuality and reproduction of Aboriginal women by removing girls was a favoured strategy (Goodall 1995, p. 82; Manne 2004, p. 234), no doubt because there were more readily available mechanisms to police and control Aboriginal women's behaviour than white male behaviour.

Some white research participants describe Aboriginal girls being at risk primarily from Aboriginal men, who are described as either sexual predators or pimps complicit in the sexual exploitation of girls:

...I was told, and I have no means of knowing whether this is in fact so, but it was certainly believed by the superintendent that was at Daintree at the time, that girls were not safe, morally, in the [Mission] village, once they could walk. (Female, Qld, NLA TRC 5000/95, p. 13)

...[boys] obviously weren't going to be damaged in the same way as girls were, they couldn't have children for a start.  They couldn't be a thing you played cards for.  If you won the card games in the stock camp you got the little girl.  That's great, isn't it?... ("Keith", Male, NT, p.15)

> In the control camps, of course, there were a lot of Aboriginal men and
> women and, as far as I can gather, the men used to make assignations for
> the girls, or more or less sell them to the soldiers.  These children were
> mainly a result of liaisons between soldiers and Aboriginal women. (Male,
> NT, NLA TRC 5000/105, p. 20)

It is noteworthy here that while the behaviour of Aboriginal men in "pimping" Aboriginal women and girls is critiqued by these white research participants, there is no critique of the behaviour of white men in seeking such sexual liaisons.  The issue of the sexual abuse of Aboriginal children is again a significant point of difference in the accounts of Aboriginal and white research participants; a number of Aboriginal research participants removed as children describe their experiences of sexual abuse, but it is in these instances at the hands of their white carers or employers and takes place after their removal (see, for example, Transcripts 5000/69, 5000/99, 5000/175, "Daisy", 5000/223, 5000/261, 5000/264, 5000/282).  One Aboriginal research participant comments:

> ....in many ways they destroyed my childhood.  I didn't have a childhood, I
> didn't.  I had a life of fear, and a life of floggings and doggings and abuse.
> (Male, Qld, NLA TRC 5000/69, p. 53)

### The 'terrible yardstick': perceptions of neglect

It is notable that only 12% of Aboriginal research participants who were removed as children attribute the primary reason for their removal as "neglect". Perceptions of neglect appear to be gendered, with 75% of those who identified neglect as the primary reason for their removal being female (see Table 9, Appendix 2).  I have not been able to identify any clear reason for this gendered perception of neglect: possibly women removed as children who have themselves become mothers judge their own mothers more harshly, though comments in the interview transcripts suggest the reverse, with a number of research participants commenting that it has been through their own experiences of motherhood that many have come to understand the difficulties their mothers faced.

The concept of "neglect", particularly child neglect, has a great deal of stigma attached to it, so it is probably not surprising that it is not a term that is widely used by Aboriginal research participants; for example one man describes his feelings of shame when reading his welfare record:

> It was very sad.  Parts of it I feel real ashamed, why I don't know. Excuse me. (Male, WA, NLA TRC 5000/151, p. 32)

Much of the debate around the Stolen Generations, and in particular the findings of the *BTH* Inquiry, has centred around issues such as "neglect", and disputes about the *BTH* Inquiry's categorisation of "forcible removals", a categorisation necessary to the genocide finding of the Inquiry; with the countervailing viewpoint being that children were removed in their best interests and/or that their parents consented to their removal.  Windschuttle, in describing the origins of what he calls "the myth" of the Stolen Generations, describes Aboriginal Australians taking comfort from the idea that their removal could be attributed to "faceless white bureaucrats driven by racism" rather than "the failings of their families" (Windschuttle 2009, p. 30).

Some Aboriginal research participants challenge the construction of "neglect" that was used by white authorities to remove them:

> And I can't see, I've got no idea why we were taken from them, 'cause they loved us and they looked after us.  They, we always had plenty to eat, plenty of, plenty to drink and plenty of fun.  I even went to school. ("Fred", Male, NSW, p. 6)

This suggests that different social and cultural values around parenting, raising children and particularly the role of the extended family in child rearing could have been at play; perhaps the "failure" of Aboriginal families was to conform to white expectations of a nuclear family and a certain standard of living, rather than necessarily poor parenting *per se*.  One research participant comments about Aboriginal parenting being judged by white standards and found wanting:

When you look at it, to have non-Aboriginal people sitting in judgement, because they would not have a clue, even back in the seventies, have any kind of cultural understanding that that may have been normal practice for child-rearing, learning by experience and things like that....That doesn't mean that we were neglected, and I guess that's what makes me angry. And they were talking about my mother and how she would have neglected us. I to this day do not believe that, but the pain that my mother carries, she won't even talk about it to us. ("Vicky", Female, Qld, p. 23)

Describing her mother's experience of having five children removed in the early 1970s after her marriage broke up, this research participant describes her mother, rather than being neglectful, as a revered figure in the local Aboriginal community, widely known for her caring nature and for taking in upwards of sixty young Aboriginal people who at various stages were in need of a home and a meal:

All these people who really just needed love and a family, and that's what my mum provided....And fed them all....And that was just like a normal life how it used to be when we were little. My mother, even today she would give her last to anybody. ("Vicky", Female, Qld, p. 32)

As outlined in Chapter 3, racial discrimination in access to social security payments leading to a lack of support for struggling Indigenous families could be seen as being as much or more of a factor in the children's removal in these circumstances as "neglect" by their parents. As one research participant comments:

Well, I don't think any Aboriginal mother was given support and I don't think any family, any Aboriginal family, were given support. That's just the way it was. ("Les", Male, WA, p. 42)

In contrast to Aboriginal research participants, a much higher proportion of white research participants (25%) identify neglect as a key factor leading to the removal of Aboriginal children. Neglect is primarily seen by this group as something that is

the fault of the individual parent or parents, not a product of systemic issues such as poverty and homelessness.  Contemporary legal processes reflected this conceptualisation, with the parent or parents being "charged" with neglect, or even the child being charged with being neglected.  A retired female police officer describes living conditions at Umeewarra Mission at the time of her first being posted to Port Augusta in the early 1950s:

> Ah six pretty dreadful old huts where the natives camped.  They camped out in the sand hills or in the mission huts and they were very, very dirty and very smelly.  I was pretty horrified when I first went there, I'd seen some dirt and filth around the west end but I'd never seen anything as bad as that. So I went and talked to the ladies in the huts and I said, 'Look you've got to clean these places up, this is dreadful.  You've got to keep it clean and tidy.'…Because they still reverted, I never bothered again, it was a waste of time. (Female, SA, NLA TRC 5000/222, p. 15)

Although the "dreadful old huts" are provided by the Mission as accommodation for Aboriginal people, it is seen by this research participant as the fault of the female Aboriginal occupants that they are "very dirty and very smelly", because they are not keeping the huts "clean and tidy"; her attempts to enforce better housekeeping standards are "a waste of time" because the occupants "revert" to failing to maintain the huts to an acceptable (white) standard.  Kidd has identified how contemporary white officials involved in monitoring Aboriginal missions also routinely overlooked systemic issues, and blamed Aboriginal people for the appalling conditions they were forced to live in.  She describes a visiting doctor complaining of conditions at Cherbourg in 1947:

> Huts were filthy and overcrowded, kitchens dirt encrusted, toilets leaking and smelling, clothing and bedding unwashed…. His recommendation? Regular house inspections and fines for negligence.  But a survey of housing conditions revealed a chronic absence of bedding, cooking and eating utensils, weatherproof shelter, toilets and water.  The dormitory kitchen

was filthy, no condensed milk was available, and neither milk nor fresh produce was available at the store.  (Kidd 1997, pp. 176-177)

Another white research participant describes her role in the period 1957-1962 in the removal of twins from a large Aboriginal family who were living in a "branch humpy" on a beach; the children are described as "very, very neglected" (Female, Qld, NLA TRC 5000/95, p. 24).  These twins ended up being fostered by this research participant and she describes how eventually she received the twins' child endowment payments and a foster parenting payment:

> I had to try and manage, which was not easy.  But a lot of people sort of sent me money and helped....the Department of Children's Services – or the Department of Family Services as it is now, I think – they pay so much per child if you foster a child.  The twins had not been put on that, I'd just been managing with their endowment and a little bit that a friend sent to me every month, but they were willing to put the boys on support. (Female, Qld, NLA TRC 5000/95, p. 30)

As a white foster parent this research participant was in receipt of payments, both charitable and welfare, that may not have been readily available to the twins' Aboriginal parents, as non-discriminatory access to social security payments was not fully achieved until 1966 (Markus 1995, p. 250).

When asked what kind of things were seen to constitute child neglect, a former police officer replies:

> Because they weren't fed properly.  Parents were drinking and neglectful, especially those who had come from a pretty primitive background and they were, they were drifters.  They'd drift around from place to place, they were always travelling somewhere. (Female, SA, NLA TRC 5000/222, p. 32)

Neglect by this definition included living a nomadic lifestyle, something that was reflected in contemporaneous child welfare legislation, where neglect

encompassed failure to provide food, lodging and to enforce regular school attendance (Swain 2014, p. 7), amongst other grounds.  As we have seen in Chapter 3, Aboriginal people deemed to be living a "nomadic lifestyle" were amongst the last to receive full equity in access to social security payments (Shaw 1999).

Another white research participant discusses changes in child removal practices in WA in the late 1940s / early 1950s, when he states that arbitrary removals of Aboriginal children ceased, to be instead replaced by the application of a child welfare framework (Male, WA, NLA TRC 5000/14, Session 2, 00:03:33).  However, it should be noted here that the Commissioner of Native Welfare's status as the legal guardian of all Aboriginal children in WA did not in fact cease until 1963 (see Appendix 2 for further details).  In terms of his specific experience as a patrol officer and travelling inspector in WA in the 1940s and 1950s, this research participant states that there was recognition that "children were better off with their parents", and that patrol officers were very reluctant to use the provisions of the Child Welfare Act "for the simple reason that we didn't want to separate kids from their parents" (Male, WA, NLA TRC 5000/14, Session 2, 00:05:56).  When pushed by the interviewer as to whether Aboriginal child removals in West Australia stopped or just continued under a different guise, he argues that there was "no continuity" between the era of arbitrary removals and that of child welfare-related removals:

> The Child Welfare Act was used only if a child's life was in jeopardy, or it's welfare, it's physical welfare... It's been often alleged it was just a subterfuge, cutting it out, because the same policy continued under the guise of the Child Welfare Act. I'm sure Middleton didn't see it that way - we certainly didn't out in the field. (Male, WA, NLA TRC 5000/14, Session 2, 00:37:33)

Haebich, however, has identified the endurance of "an obstinate culture of removal" within the Western Australian Department of Native Welfare; she argues that sub-standard housing was primarily used as a justification for child removal or for the ongoing refusal to allow Aboriginal children to return to their families

(Haebich 2000, p. 525).  This is in fact acknowledged by this research participant, who indicates that removed Aboriginal children were sometimes allowed to go home for visits during school holidays if they had a "suitable home" to go to – "…they wouldn't be allowed willingly to go home to just camp conditions, that is living in a bush humpy. Have you seen the camps?" (Male, WA, NLA TRC 5000/14, Session 2, 00:10:56).

A research participant who worked as a typist in the Legal Adoptions section of the South Australian Children's Welfare and Public Relief Board in Adelaide in the 1940s describes occasionally transporting removed Aboriginal children to the Seaforth Home. She describes one child who she transported as being "riddled with worms" (Female, SA, NLA TRC 5000/250, p. 6), and another "full of fractures" (Female, SA, NLA TRC 5000/250, p. 8) apparently the result of child abuse.  She comments that the parents of these children – who she never met - were "only too glad" for the children to be removed and cared for (Female, SA, NLA TRC 5000/250, p. 11).  The narrative this research participant relates is that removed Aboriginal children were diseased and / or abused, and their parents were uncaring – all of which, of course, justifies her participation in their removal.  In reality, this research participant was employed in a very junior role in the Department and by her own admission had minimal knowledge of child removal policy, though her interview certainly illuminates the attitudes of some white public servants during this era.

There is a sense of indignation expressed by some white research participants who were involved in child removal; they feel that their actions have been unfairly judged, and ask what should they have done when faced with the situation of Aboriginal children living in conditions of deprivation and abuse:

> Sir Ronald [Wilson] can't have it both ways.  He can't have horrible things happening, and welfare people not having to take notice of the horrible things that are happening.  That is one of the defects in Sir Ronald's report. ("Keith", Male, NT, p. 13)

However, an Aboriginal research participant removed as a child describes being measured by the "terrible yardstick" of white welfare:

> …'welfare' is tended to be measured in 'neglect' and 'poverty', that somehow if you haven't got clean sheets, or if you haven't got sheets, things like that, or if you don't have three meals a day, you don't have clean clothing, that somehow you're really worse off. It's a terrible yardstick in my experience. (Female, Qld, NLA TRC 5000/200, p. 5)

I am not attempting to argue here that no Aboriginal child was ever neglected or that white officials were wrong to be concerned about Aboriginal children (and their parents) living in circumstances of poverty, homelessness and extreme social deprivation. What I am highlighting, however, is the construction of child neglect as a parental responsibility, irrespective of the broader systemic issues that were often directly imposed on Aboriginal families by white legislation and policy. Limiting access to welfare payments that other families were eligible for; limiting employment opportunities; withholding payment for work; forcing families to live in cramped and deprived conditions on missions and reserves – these factors contributed significantly to the socio-economic status of Aboriginal families during the Stolen Generations era, but are not identified by most white research participants involved in Aboriginal child removals as major contributing factors to Aboriginal children's living circumstances.

### Alcoholism as a factor in neglect

Alcohol is also often mentioned by white research participants in conjunction with neglect as a factor contributing to Aboriginal child removal, for example:

> A child would be neglected because the parents were drinking too much and neglectful. (Female, SA, NLA TRC 5000/222, p. 19)

Some Aboriginal research participants who were removed as children also speak about alcohol abuse by their parent or parents. While acknowledging her mother's alcoholism, one research participant comments that there was an extended family

support structure in place, so even though her parents were drinking she does not believe the children were neglected:

> …from what I understand Mum was drinking and we were removed on reasons of being neglected.  So they are the sort of reasons.  I believe they are true too.  I believe that is the case.  It's not that we were neglected, that my mother was drinking, yes.  But it is not that we were neglected.  The reality of that is that we were living with other aunts, uncles, and grandparents in a family group.  So the reality of being neglected wasn't true because this support network and the support system that held us was in place, which meant that even if Mum and Dad drank, we were still held.  So one part of that is true; the other isn't. (Female, NSW, NLA TRC 5000/94, p. 2)

In her autobiography Mum Shirl pays tribute to a number of women in the Redfern community who are renown for the care they have extended to others.  One of these, "'Mother' to so many kids", began to drink after the tragic death of her husband; Mum Shirl comments "She is still a wonderful person, even if she drinks, and so many people owe her so much" (MumShirl 1981, p. 41).  Another research participant speaks very movingly about his mother, the challenges she faced, her struggles with alcoholism, the broader circumstances that made it impossible for his mum to care for him and his siblings, and the need to avoid simplistic criticisms of Aboriginal parents. He argues that just because his mother was an alcoholic does not automatically make her a bad mother:

> I see mothers are not really bad mums.  You know, I see mothers….and this is why I get cranky, because it always come back to my mum, I think. People say, 'Oh, she's…' Why is she a bad mother? 'Oh, she's an alcoholic and, you know, she's always drinking.' I turn around and says, 'Hey, being an alcoholic doesn't make you a bad mum….I mean, she's an alcoholic, let's deal with the alcoholism, because I know my mother was a good mother even though she was an alcoholic. (Male, NSW, NLA TRC 5000/247, pp. 85-86)

A number of other Aboriginal research participants (see for example NLA TRC 5000/240, NLA TRC 5000/247, "Francine") see their parents' alcoholism as a result of child removal, and not the cause of it:

> …it was because of what happened to her.  Like I found out her lifestyle, us being taken away, she lost all of us….She had nine of us, I think, so a lot of kids she's had taken off her. (NLA TRC 5000/247, p. 46)

> …you know after Mum did lose her seven children she did start drinking.  And I understand so well now.  And umm, you know the pain of that, and the anger, and the disbelief and, the procrastination, and in time the drink becoming an addiction….when I went back home and she found me, and we'd gone back home, ahh, she was able to give away the drink.  And I just think, you know, we need to look at what happened.  Not the behaviour but the cause of it ("Louise", Female, NSW, p. 20).

Alcohol is described by some Aboriginal research participants as something used as a substitute to replace lost family relationships.  A mother who experienced the removal of four children describes turning to alcohol to dull the pain of her loss ("Evelyn", Female, WA, p. 118).  Coping with loss is something that many people removed as children have experienced in their own lives or in the lives of others they know who were removed:

> …most of the children there, all, you know, fostered or adopted and lost, and they turn to alcohol for, you know, comfort.  They can't relate to their, you know, family or things like that. ("Beth", Female, SA, p. 14)

### Abandonment or voluntary relinquishment of children

A number of white research participants involved in child removals describe Aboriginal parents voluntarily relinquishing their children; for example this statement from a missionary who was Superintendent of the Retta Dixon Home for eighteen years:

Half of my time, a lot of my time anyway, was spent trying to dissuade people from putting kids in the home. That's what they wanted to do….But, uh, I had to sit down and counsel them and tell them, 'No, it's your responsibility to look after your children.' (Male, NT, NLA TRC 5000/195, p. 26)

Others describe the abandonment of Aboriginal children by their parents:

I remember a child that, a part-Aboriginal child I had to go and arrest….The parents had just gone off and left the child and it'd been left in the hospital, they'd be left in the hospital and they'd never come back for it. So um, it had to be taken and put in the care of the State. I don't know what happened to it. (Female, SA, NLA TRC 5000/222, p. 25)

Being abandoned or "voluntarily" relinquished by their parents is not raised as a reason for their removal from their birth families by any Aboriginal research participants, although there are some references to this occurring in Aboriginal women's autobiographies. Ruby Langford discusses being in a position of severe financial distress and initiating discussions with authorities to relinquish her children into state care (Langford 1988, pp. 102-103), a situation luckily avoided by the unexpected return of her partner; and Mum Shirl's autobiography also mentions some Aboriginal families living in Redfern who had been forced by circumstances to place their children in homes (MumShirl 1981). These situations as outlined in Aboriginal women's autobiographies are described as the desperate measures of parents who have no other alternatives, and hardly equate to white descriptions of Aboriginal parents "going off" and abandoning their child or children.

A nurse working at a hospital in western NSW in the late 1940s describes Aboriginal mothers having different attitudes towards their children; essentially she describes them as not being committed to mothering:

Well, I think they had different attitudes to their children. I don't think, it didn't seem to me as if they were so anxious to have the children. Because the ones that were left behind, they certainly weren't wanted... The girls [the other white nurses] used to say, 'Watch out, she's ready to run off'. In the morning you come to the ward and they're gone. (Female, NSW, NLA TRC 5000/116, p. 11)

She talks about Aboriginal mothers just disappearing, running off from the hospital, sometimes taking their child and sometimes leaving them behind. Despite describing the "different attitudes" of Aboriginal mothers towards their children, the circumstances seem very similar to her earlier descriptions of young white mothers relinquishing their children for adoption; however all white mothers are not therefore assumed by this research participant to be disinterested in their children. She does go on to acknowledge that it was virtually impossible for a single mother at the time (her nursing career started in 1948) to keep her baby, unless she had support from her parents or the father of the baby.

A related issue is white research participants' comments about the lack of parental follow-up on removed children by Aboriginal parents:

Interviewer: Did you ever know about what the parents, did the parents ever follow them up, the Aboriginal parents? Did you ever get any inquiries from Aboriginal people about...?
Interviewee: No, no...In fact, it used to really upset, I can remember, Miss [one of the Inspectors], the fact that sometimes the parents were only too glad that the children should be taken down to Adelaide and cared for. (Female, SA, NLA TRC 5000/250, p. 11)

This research participant did not recall any Aboriginal parents ever coming to the records to try and trace their children:

No. Not in my time they didn't, which really amazed me because I would've thought with those dear little children somebody would've been inquiring about them. (Female, SA, NLA TRC 5000/250, p. 14)

However, she does later acknowledge that issues such as lack of money, transport and the knowledge required to navigate the welfare system would have been significant barriers to Aboriginal parents living in remote areas of South Australia trying to stay in contact with their children who had been relocated to Adelaide (Female, SA, NLA TRC 5000/250, p. 15).

Mum Shirl, describing her work for the Child Welfare Department in the Redfern community, discusses why some parents might have stayed away:

Sometimes I would be asked to locate the parents of a child and again I often found that the parents were afraid of this Government institution, which was why they were staying away from it and not coming forward and claiming their child. The welfare department had a terrible name amongst the Aboriginal people for coming and taking children away. It was like a punishment that happened to people when they were already having a hard time because they had no money. (Mum Shirl 1981, p. 67)

A white research participant who worked as a cottage mother speaks of the difficulties she experienced keeping mothers informed about the progress of their children and maintaining contact, particularly when the mother was illiterate ("Colleen", Female, SA, p. 22). From the perspective of the Aboriginal research participants, some believe that they were deliberately removed as far away from their parent or parents as possible, to make it impossible for their families to remain in contact with them (see for example Male, Qld, NLA TRC 5000/41; "Francine", Female, Qld; "Iris", Female, NT).

### The vexed issue of 'consent'

Some white research participants involved in Aboriginal child removals argue that it is not correct to refer to a "Stolen" Generation or Generations as there was never

any "theft" in the first place, as Aboriginal parents consented to their children's removal.  Some have a very "black and white" view of what constitutes consent; if mothers signed consent forms it was because they wanted to relinquish their babies:

> Well, they were virtually giving their babies out, and there was no pressure either, I might add.  If they really wanted to give their babies up they consented with their signature in front of witnesses that that's what they wanted to do. (Female, SA, NLA TRC 5000/250, p. 19)

Others inferred parental consent because of the parents' lack of objection to white authorities about child removal.  In relation to the removal of sixteen children in the Northern Territory, a research participant who worked at the Phillip Creek Mission where the children were placed after their removal states that none of the parents complained to him, and he only knew of the children's removal from their families because he was later informed of it by the Superintendent:

> Nobody ever said it.  No complaints from anyone.  Mothers, fathers, foster fathers, it was, it came to me from the Superintendent.  That these little kiddies had been taken away. (Male, NT, NLA TRC 5000/195, p. 2)

This research participant later acknowledges that these removals in fact happened prior to his arrival at the Mission, and as he was working as a teacher on this Mission it is unclear why parents would have complained to him some months after their children's removal when he first arrived on the Mission, or indeed what authority he would have had to address any complaints if he had received them.

There appears to be little understanding or empathy among some of the white research participants about the circumstances that might have led to Aboriginal children being institutionalised:

> Interviewer: Did you have an understanding of how the parents felt about their children being in the dormitory?

Interviewee: No, because they had put them there of their own accord, so we thought they must be quite content about that. (Female, Qld, NLA TRC 5000/95, p. 14)

While the issue of parental consent to removals has often been the focus of discussion in the context of the Stolen Generations, it is important to highlight here that as Aboriginal parents were not always the legal custodians of their children, the issue of parental consent was at times meaningless. Children in some jurisdictions could be removed irrespective of their parents' wishes, something that Aboriginal parents would have been acutely aware of. One research participant who worked as a patrol officer in the Northern Territory acknowledges this:

The Chief Protector of Aboriginals was the legal guardian of those people, and he had the right to look after those children. So to me there was no written consent or anything like that. Whatever would've happened would have been verbal, but that was the position in those days. The Director of Native Affairs didn't have to have any consent. He could look after the children and that was it. (Male, NT, NLA TRC 5000/105, p. 23)

The impact of lack of parental legal guardianship of Aboriginal children is also acknowledged by another white research participant when discussing the powers of Neville, Chief Protector of Aborigines in WA:

At this time he was guardian of all native children in the state and his powers exceeded of those of the parents, so he was able to direct the police, or he gave the police authority, to pick up any of these light caste children they encountered in their patrols and either send them to the nearest mission or the nearest institution... (Male, WA, NLA TRC 5000/14, Session 1, 00:42:52)

In other instances, consent may have been given for the temporary care of children while their parents were undergoing difficulties; however the parents then

experienced significant obstacles or their wishes were ignored when they later attempted to reclaim their children.  A dormitory matron describes a particular instance in which the parents apparently gave consent for two of their children to go in to the mission dormitory, on the understanding that they could have them back at a later stage.  When the mission dormitory closed and the parents returned to collect their children however, they were not allowed to reclaim them:

> ...when they heard we were leaving they came, and they did want them back, but the sergeant gave the order that I was to take them with me, because he knew how the parents had treated them.  Actually, later on every one of that family's children, and they had twelve or thirteen of them altogether, every one was taken from them. (Female, Qld, NLA TRC 5000/95, p. 25)

Note here how the research participant's emphasis shifts to highlighting how neglectful the parents were ("every one was taken from them") to justify her role in the children's removal, as she can no longer sustain her original argument that the parents consented to their removal.  A newspaper article published in the *Gladstone News* in 2011, celebrating this research participant's lifetime work for Aboriginal children, again includes reference to the removal of these specific children (Gladstone News Weekly 2011, pp. 18-19), however the more controversial aspects of the story are glossed over.  The research participant states in this article that the Protector of Aborigines had asked her to take the children, something she did not mention in her NLA interview, and rather than describing the circumstances around the removal of the children she merely states, "they weren't able to go back to their parents" (Gladstone News Weekly 2011, p. 19).  There is no mention in this article of any actions taken by others to prevent the children's return, or that their parents wanted them back but weren't allowed to take them.  This is a good example of how a person may construct their life narrative differently by placing emphasis on different facts in a different context and for a different audience.

For some white research participants, the inevitability of children's removal and the mothers' inability to prevent it is seen to constitute a form of consent. When asked by the interviewer whether he thought "that the Aboriginal mothers had in some way consented to this happening," one research participant replies:

> I think that they were aware that it was going to happen. Because, again, under the old Aboriginals Ordinance that we were operating under, they knew that cohabiting, a white man cohabiting with an Aboriginal woman, was an offence that was punishable by six months in prison, a hundred pound fine or both. They were also aware that if there were any children from that liaison that there was a possibility that they would be removed. Now, I think that you've got to look at it from the point of view that they were not going to dob in the father of those children because they may have been frightened of any retaliation. They weren't going to dob in their Aboriginal male consort who'd made the liaison for the act to happen. They were in a hell of a spot. Because of that fact and the problems that the children were causing, and the domestic violence that went with them, most of them were quite happy to see the kids go. As I say, they were aware that this could happen. (Male, NT, NLA TRC 5000/105, p. 23)

An Aboriginal research participant describes her mother's fatalistic acceptance of the inevitability of her removal:

> She was very sad, she said, but she knew, she said, 'I knew you had to be taken away. I knew that.' But I wasn't stolen. My mother knew. She dreaded that the day might arrive, you know, but they all knew that the half-caste kids had to be taken away. They all knew that. They used to talk about it all the time. ("Flora", Female, NT, p. 101)

Here, her mother's awareness that she would be removed seems to have merged in this research participant's perception with her mother agreeing to her removal. However, I would argue that knowledge of the likelihood of your child's removal

and apparent resignation to circumstances beyond your control is not the same thing as consenting to the removal.

A white adoptive father of an Aboriginal child describes how the adoption was delayed for ten months; they were told this was due to the child's illness but they have subsequently learned it was because his mother had not consented to his adoption:

> We were told that he had a chest infection or weakness and he should be kept there….We learnt from the files later in the archives, that we only have read in the last two or three years, that he was held up because the mother hadn't consented to the adoption and they were trying to find her to get her consent. (Male, Vic, NLA TRC 5000/137, p. 16)

This research participant acknowledges how problematic the notion of consent might be from the perspective of the Aboriginal mother:

> …this consenting doesn't mean much. I think in [his adoptive son's birth mother's] case she didn't have other options, so you can consent to something if it's presented to you in such a way if you're not given alternatives. If there was alternatives saying that 'Do you want your baby to be adopted or we can provide for you these facilities, these options, this set-up.' There was none of that offered to her. (Male, Vic, NLA TRC 5000/137, p. 27)

Some white research participants make reference to changes in legislation or policy and practice occurring from the 1960s which placed a greater onus on the need for obtaining Aboriginal parents' consent to child removal. The former Commissioner for Native Welfare in Western Australia quoted from the WA Department of Native Welfare Instruction Manual issued in 1965 during his interview:

> 2.14 refers to adoptions, young mothers should not be put under any sort of

pressure… (Male, WA, NLA TRC 5000/14, Session 3, 00:43:03)

This of course raises the issue of what the practice was in relation to adoptions of Aboriginal children prior to the manual being issued in 1965. Another white research participant speaks about her work in the South Australian Department of Aboriginal Affairs. She states that in her era in the Department, children were only ever removed under court order, that Aboriginal parents were the legal guardians of their children, and they could have come and claimed them if they wanted to. However, at the same time she acknowledges that the Department made no effort to return children to their parents after the legislative changes which restored their guardianship, as this was not seen as being in the "best interests" of the child; she also acknowledges that Aboriginal parents may not have been aware that they were now the legal guardians of their children. However, she indicates that the Department made some effort to gain Aboriginal parents' permission if the children became sick and had to be admitted to hospital. So while the legislation may have changed, in practice it remained at least initially a fairly superficial change that gave the appearance that Aboriginal parents had control of what happened to their children but the reality was far different; the only power it seems they had was to sign paperwork ("Colleen", Female, SA, p. 52).

As this research participant highlights, the *Aboriginal Affairs Act* passed in 1962 formally ended the era in which the state was the legal guardian of Aboriginal children in South Australia. However, in her recent study of the history of child protection legislation prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Swain argues that while the SA legislation was "softened" from the early 1960s it was not brought fully in line with the legislation for non-Aboriginal parents until 1972 (Swain 2014, p. 19).

### The concept of 'forcible removal'

In addition to differing interpretations of what entailed the mother's consent to child removal, the notion of Aboriginal parents being compelled or coerced to relinquish children is disputed by some white research participants, hence the emphasis placed on Aboriginal parents voluntarily relinquishing children. An

account of the Mission school at Umeewarra by a white research participant describes the freedom of Aboriginal parents and children to come and go as they pleased:

> ...they ran a school for the children of the mission where the children were free to come and go.  There was no compulsion.  The natives, some of them were quite primitive and they camped in the sand hills which surrounded the mission and would bring their children to the mission and say, 'You give them education' and they could see that their children would benefit.  But it was a pretty easy sort of situation because if they'd all want to go walkabout, they'd come and take their children and off they'd go. But they were happy to leave their children there because they knew that they would get some benefit from it. (Female, SA, NLA TRC 5000/222, p. 15)

It is interesting to contrast this statement with the relevant clause in the *SA Aborigines Amendment Act* 1939, which stated

> The parent of every child to whom this section applies who fails to cause the child to attend at a school on each occasion when the school is open for instruction shall be guilty of an offence against this Act and liable to a penalty. (*SA Aborigines Amendment Act* 1939, 40. (2))

The "wander-in-and-out-at will" approach described by this white research participant is in stark contrast to many of the accounts of Aboriginal research participants, who rather than being free to come and go as they pleased experienced a complete removal from their families and communities.  For example, one research participant describes what happened when his mother agreed to take him from the remote community at Borroloola to the Anglican Mission at Roper River for schooling:

> And she'd taken me to school there – or the intention of going to school – and after a number of days at school, she went to pick me up and I was

gone! And she relayed this story to me years later when I caught up with her.

I was quite angry. I said, 'Well, why did you let me go?' And in her quiet way, which she always did, she just said, 'My son,' and she always addressed me as 'my son', 'I took you to school every day. I picked you up every day. I went to pick you up this day and you were gone.' And they pieced together the story where we were loaded on the back of an Army truck and we were sent south, through to Alice Springs.

("Jim", Male, NT, p. 8)

This research participant was initially taken to The Bungalow in Alice Springs, transferred to Sydney during the war years, and eventually attended high school in Adelaide; he was not reunited with his mother for many years. Another white research participant involved in child removals describes life on the Phillip Creek Mission during the time he worked there as a near-idyllic childhood for Aboriginal children who could do as they pleased:

...the kiddies could just ramble where they were and where they wanted to until evening time, supper-time. And the kids'd be there for supper. 'Cause they wouldn't be getting anything down in this, uh, in the camp....They could go back to the camp, if they wanted to, through the day. They could go rambling and hunting. They could please themselves what they did after that mid-day meal. They uh, the uh, adults, the parents were very happy about the kids being in school. (Male, NT, NLA TRC 5000/195, p. 14)

When asked by the interviewer if the children were locked up, he insists that this was done at the children's own request, inferring that it was essential for their safety:

Locked up in these dormitories. Yes they were. For their own good and at their own request....the girls, particularly, would come over around about nine or ten o'clock and ask the superintendent, 'Will you please come over and lock the door.'....there was no bone of contention as far as the parents

were concerned, or the children.  It was just one of those things that they required themselves.  But, as I say, these things are lost sight of.  In today's modern society, they have no conception at all of conditions fifty years back. (Male, NT, NLA TRC 5000/195, pp. 14-15)

The idea of "forcible removal" was a key aspect of the *BTH* Inquiry, because removals had to involve force to fit the requirements of Article II (e) of the *Genocide Convention*.  With the benefit of nearly two decades of hindsight into the ongoing political and historical squabbling over this issue, I would argue that it would have been less politically contentious and perhaps also more meaningful to our understanding of this era to investigate more broadly all aspects of Aboriginal child removal, without limiting analysis to those removals seen to entail "force". Any situation in which a parent is unable to care for their child is a personal tragedy for those involved irrespective of the circumstances; as one research participant comments, "Any mother, it doesn't matter who they are, if you take their child away from them, their heart is broken, they're devastated" (Female, WA, NLA TRC 5000/158, p. 46).  I am also drawn to the comment by one white research participant who worked as a cottage mother and later as a social worker overseeing the fostering of Aboriginal children, who argues that it isn't necessary to distinguish between people on the basis of the way in which they were removed:

> I think it doesn't really matter how they were taken, the emotional effect can be the same.  It doesn't matter whether they were stolen or whether they were taken to court or whether their parents gave them up, the emotional effect can be the same... ("Colleen", Female, SA, p. 74).

### Removal for education

A number of white research participants emphasise the advantages that accrued to removed Aboriginal children as a consequence of their removal.  For example, a senior white bureaucrat from the federal Office of Aboriginal Affairs discusses the "benefit" of being from the Stolen Generations, including that the person could

work across both European and Aboriginal contexts as an adult ("Harold", Male, ACT, p. 6).

The opportunity to have an education is seen as a major "upside" of Aboriginal child removal amongst white research participants, that somehow compensates for the more negative aspects of their removal:

> I think some kids were taken away screaming and kicking from perfectly adequate families because that was what the law was, that they had to round them all up and take them and give them a good education, because that would give them a better chance in life....I think that some of them who were brought screaming and kicking and went into, and had good educations are now champions of their community. (Male, NT, NLA TRC 5000/170, p. 22)

It is interesting to contrast these views with those of Aboriginal research participants who were removed as children; they frequently describe the standard of the education they received as being minimal, designed to equip them with basic skills to undertake the menial tasks that were seen to be all they could aspire to:

> Most of the boys, like myself, when we reached fourteen we were sent out to do farm work. I don't know why, it was always farm work. It's a pity that some of us who were able to continue schooling, could go on to higher education and do more useful things. But I think it, the ulterior motive was to get the kids off their hands, the boys were put on out the farm, and the girls into domestic service on farms or to homes around the metropolitan area. (Male, WA, NLA TRC 5000/101, p. 13)

Another Aboriginal research participant comments

> ...education was my right in this country. So you can't tell me that something that was already my right is a gift or a trade-off for taking me

away from my biological family and my cultural traditions. I don't accept

that for one moment. (Female, NSW, NLA TRC 5000/226, p. 57)

However, some Aboriginal research participants who were removed as children do acknowledge the importance to them personally of receiving an education, despite the other negatives of being removed:

… you look at the disadvantages, you look at the bad experiences. But also

you have to leave them behind and look at the good things that happened in

life, the advantages of getting educated….you just can't live in the stone age.

You have to appreciate the things that did happen in the areas of education,

and learning how to understand another society and that… (Female, SA,

NLA TRC 5000/210, p. 27)

Some white research participants emphasise that removal to attend school was supported by the children's parents at the time of their removal, or at least their consent was inferred by their failure to protest:

…it was government policy that little half-caste kids would be taken for

education. And, uh, to the best of my knowledge, all the parents were

acquainted with the, er, policy, and were in agreement – that these children

would go. Now, if they didn't want that, they could have just as easily gone

bush. They could have taken the children out, away…

(Male, NT, NLA TRC 5000/195, p. 15)

This research participant, a former Superintendent of the Retta Dixon Home, who maintains in his interview that there were no Stolen Generations children at the Home during his eighteen years in charge, concedes that one group of children were in fact removed without parental consent or because they had been neglected:

Any little coloured child, uh, was given the opportunity for education. Our

mission decided, 'yes, alright, if they're gotta be taken, uh come from their,

uh, outback homes, we would like to help.' And that's how we accepted
sixteen children, I think, what they like to term the 'Stolen Generation'.
They were the only children we had of that, in that category actually, the
only ones we had. (Male, NT, NLA TRC 5000/195, p. 17)

It is clear from the accounts of some Aboriginal research participants removed as
children that some parents, particularly those living in remote areas with limited
alternatives, did want their children to receive an education even if that meant
them leaving home to do so.  However, as Swain has demonstrated, truancy was
grounds for neglect under state child welfare legislation across Australia (Swain
2014, Appendix 2), so failure to comply with children being removed to attend
school would most likely have resulted in the children's removal anyway on the
grounds of neglect.  In Chapter 5 I discuss the concept of Aboriginal mothers facing
"choiceless choices", having to decide between a limited range of bad options, none
of which allowed them to exercise their parental authority in a meaningful
manner; "choosing" to send your child away to school knowing they would be
removed anyway is a good example of such a "choiceless choice".

In an example of the nuances in thinking about child removal apparent in some
accounts, one white research participant distinguishes between children being
"sent in", "taken in" and "brought in" to St Mary's (a hostel in Alice Springs); he
then shifts to emphasising that the costs of the children's education were being
subsidised by the government:

...most of the children that went there [St Mary's] were sent in by their
parents.  There could've been an odd one or two, but I can't recall any, that
were taken in and put there by government.  But some of them were sort of
brought in, there's no doubt about that.  But the government subsidised
their education and their accommodation and everything else.  They
subsidised St Mary's for operating it. (Male, NT, NLA TRC 5000/105, p. 39)

Alice Nannup's autobiography *When the Pelican Laughed* describes her mother
agreeing to her being sent from home (a remote station in the Port Hedland region

of WA) to receive an education in the belief that she would then return home to work on the station. She comments:

> It was a cunning way to get me, to trick my mother by telling her I was going off to be educated, then brought back to be with them when I turned eighteen. (Nannup, Marsh & Kinnane 1992, p. 45)

Rather than being educated she was trained as a domestic servant at the Moore River Settlement; the Mission school only taught to Grade Three, and Nannup states "Moore River did nothing for me by way of schooling....all I ever did there was work" (Nannup, Marsh & Kinnane 1992, p. 69).  She was then sent on work placements which she believes were deliberately chosen to keep her far removed from home and family; she never saw her family again:

> North girls were sent South to jobs and Sou'westers were always sent North.  They were very strict about that because they meant for us to never find our way back home. ((Nannup, Marsh & Kinnane 1992, p. 120)

Several white research participants mention that some children were allowed to return home during the school holidays in some circumstances; for example

> The objective was to get the kids placed somewhere where the parents could see them from time to time, and they always spent their holidays with their parents, unless their parents were absolutely hopeless, but in such cases the parents usually didn't turn up to pick them up anyway. (Male, WA, NLA TRC 5000/14, Session 2, 00:06:35)

However very few of the Aboriginal research participants who were removed as children speak about being allowed to go home for the holidays; some talk about being distributed amongst white people who volunteered to have them, with very little or no quality control in the vetting of their carers.  Others from the Northern Territory were sent interstate to Victoria, South Australia, or even in one instance to Tasmania to attend high school; it seems hard to imagine what educational need

impelled sending children so far away from their families.  One research participant who was removed from her family in 1941, sent to the Bungalow at Alice Springs, then evacuated because of the war to Melbourne, sent to Adelaide, relocated again to Carrington SA and finally sent to Garden Point Mission on Melville Island, comments:

> … why didn't they leave us where we were? Like especially like me, from around Alice.  They could have sent me to school there. Why did they have to take me all the way over to the island, a long, long way?....If they really cared about our welfare, why did they have to really separate us that far? Like I mean, when I think about all them years she used to come, my mother used to come in and out, sitting there, year after year, hoping to see me….Waiting, waiting.  ("Iris", Female, NT, p. 24)

This research participant poignantly describes her mother sitting patiently outside the convent in Alice Springs that her daughter had stayed at briefly before being evacuated interstate during the war, hoping to see her.  Eventually her mother does see her there many years later:

> …she reckoned she used to come there and sit down there all them years. Looking for me.  Whenever she could come in [from the station she lived on], they'd get a lift in, in them old trucks, and sit down there and wait.  And this day she saw me.  I couldn't believe it.  It was the beautifulest sight. ("Iris", Female, NT, p. 16)

This research participant personally believes she was sent far away from her family because "half-caste" children were an embarrassment to the white community:

> …I don't know why they took us away.  For me, I always reckon to hide their shame.  To put um, these half-caste kids away out of sight, out of mind. That's why they did it.  To me, I always think about that.  They were shamed.  It wasn't for uh, that, for our good.  ("Iris", Female, NT, p. 34)

One white research participant who was the foster mother to two Aboriginal children sent from the Northern Territory to Victoria to attend school comments that alternative approaches rather than interstate child removal could have been implemented:

> I think there should have been a way that the children could have been educated without them having to be separated from their parents. If they'd been able to set up a camp near the school or something like that so that the children could still have the constant contact with their parents but be educated at the same time. Either that or the school taken into the camp. (Female, Vic, NLA TRC 5000/35, p. 66)

There is one Aboriginal research participant who appears to have experienced, as her interviewer comments, "the best of the situation" of child removal. She is placed in the UAM Mission Home at Oodnadatta in 1948 when she is aged around 12 years "for safekeeping" by her mother; the couple who ran the mission "were absolutely marvellous…they really treated us like their own children" rather than as institutional inmates; she is allowed to maintain contact with her mother and to continue to speak her traditional language. When she is eventually sent to Adelaide to work she is allowed to return home regularly for visits. Although commenting that she didn't appreciate it at the time as a fourteen year old girl sent to work in Adelaide and homesick for her family,

> …in my case it was the best thing that could have happened to me, looking back now. I did miss my family but I went home and lived with them, you know, I was able to go back and live with them, and I didn't miss out on anything, because I was always getting that education as well….I was very lucky. (Female, SA, NLA TRC 5000/253, p. 40)

This account demonstrates that it was possible for Aboriginal children whose parents were working or living in remote locations to receive an education but also

maintain their family and cultural ties, where the culture of the mission or home was supportive of this happening.

### The impact of parents' divorce / separation

11% of Aboriginal research participants who were removed as children cited their parents' divorce or separation as the primary factor contributing to their removal. A common pattern described by a number of research participants within this sub-group was that their mother's relationship with her partner broke down, leading to the mother and her children living in poverty, leading to the family coming to the attention of the welfare authorities and the children being removed. While this could be seen as the children being removed because of "neglect", from the perspective of the research participants the causal factor or trigger for their removal is the divorce or separation of their parents.

Several research participants describe the desperate circumstances facing their mothers. In one case an Aboriginal mother went to the police seeking help for domestic violence, but when she eventually fled the family home she was charged with abandoning her children; the children were ultimately removed and institutionalised and she never saw them again (NLA TRC 5000/319). In another instance a mother sought welfare assistance after her husband's abandonment of the family, only to have her children removed:

> Um, I think what happened was, my mother was at the time a sole parent and finding it rather difficult. So she approached for some help, and in turn had all of her children removed, rather than being given support and help through the Welfare Office. The quick fix solution was just to take the children. Um, so we were all removed at that time. ("Angela", Female, Tas, p. 2)

### Removal to mission dormitories

8% of Aboriginal research participants indicated that they were removed from their families to be raised in mission dormitories, often because it was mission policy that once children reached a certain age they were sent to the dorm. Removals on this basis have been discussed in detail in Chapter 3. The majority of

research participants who cited this reason for their removal lived in Queensland (see Table 8, Appendix 2).

### The impact of parental work commitments

7% of Aboriginal research participants attributed their removal to their parent or parents' work requirements. Once again, removals that are attributed to parents' – particularly mothers' – work requirements have been discussed in Chapter 3.

### Removal for reasons unknown

For 7% of Aboriginal research participants who were removed as children, the reasons for their removal are unknown to them, and they have to accept that they will never know the exact circumstances leading to their removal:

> It still bothers me today. No-one has really told me why I was removed. ("Henry", Male, WA, p. 12)

In some instances this is because the "official" records do not provide any details, and in other cases it is because their mother or other surviving relatives refuse to talk about their removal. One research participant comments:

> I don't know. But I guess I'll never know. No one has ever told me. It's just in the records. It doesn't even say it. She just signed away. Her signature's on the paper. I reckon it was just forced …I don't know what the situation is, because no-one will talk. (Female, SA, NLA TRC 5000/134, pp. 35-36)

I examine some of the factors contributing to silences within families and the reluctance or refusal of mothers to talk about their experiences of child removal in Chapter 5.

### 'Without too much suffering': white opinions about Aboriginal mothers

It has been well documented that some of the proponents of Aboriginal child removal during the Stolen Generations era viewed Aboriginal mothers as incapable of having the depth of feeling for their children that a white mother would have had (there are many examples quoted in the academic literature, drawn from

correspondence, submissions, parliamentary debate, reports, and other sources: for some examples see Haebich 2000, pp. 233, 235, 517). One white research participant comments on A. O. Neville's lack of empathy for Aboriginal mothers:

> [Neville's approach] certainly lacked feeling. He believed that when you take a child away from the mother, the mother might act up for a while but would soon forget the child, which is just nonsense.

> He did everything with the best of intentions of course, which is quite common in many of these moves. (Male, WA, NLA TRC 5000/14, Session 2, 00:02:14)

Another white research participant describes the paternalistic attitude towards Aboriginal people prevalent at the time:

> Well, the government's attitude obviously was that they weren't able to care for themselves in this society and they needed someone to supervise them. (Female, Qld, NLA TRC 5000/95, p. 19)

A white research participant who worked as a patrol officer in the Northern Territory describes himself as being "very cognisant of the hurt to mother and child" that child removal could cause; he quotes from a report he wrote in November 1957 recommending the removal of three Aboriginal girls from their mother as evidence of this awareness:

> …if we could remove her from her present environment without too much suffering on the part of [child's name] or her mother, much good could be done, possibly leading to an adoption. ("Keith", Male, NT, p. 17)

The fact that he was aware of the pain the child's removal would cause both the child and her mother, but still made the recommendation to remove her, highlights the extent to which white people involved in child removals convinced themselves that the positive benefits accruing to the removed child would outweigh any

negatives.  I would argue that it is this reasoning that today leads many of the white research participants who were involved in child removals to strongly challenge any suggestion that removed Aboriginal children suffered any form of mistreatment after their removal, that conditions in missions were poor or that standards of care were in many cases inadequate, despite overwhelming testimony from removed children to the contrary  Aboriginal mothers were judged by "European eyes" and seen as failing to meet white standards:

> What was the mind-set?  I think I've already said that I think a lot of them, both missionaries and public servants, really believed that they were doing the best for these children.  They saw them in the deplorable conditions in their camps, quite away from the poverty of those camps – poverty to our European eyes.  But the problem of having a drunken father and a mother who may not seem to be caring for them, I can quite see why they would feel that they had to take these children off to help them.  ("Harold", Male, ACT, p. 10).

In the view of some white research participants, the powerlessness of Aboriginal parents to prevent child removal somehow becomes the parents' fault, in a way reminiscent of criticisms of Jewish people as being somehow complicit in their own murder during the Holocaust (Wajnryb 2001, pp. 226-227).  Aboriginal parents are described as passively accepting their children's fate and not fighting to prevent their removal:

> ...looking back on it today, if anybody'd come to take my kids, I'd, it'd been over the barrel of a gun.  They wouldn't have taken them.  But those people, in those days, it was a different situation.  They were prepared to accept the situation as far as I see it, that uh, that kiddies would benefit, and that's what they wanted. (Male, NT, NLA TRC 5000/195, p. 32)

It is interesting to contrast this account with Goodall's research documenting the interrelationship between removal of Aboriginal land and the removal or

threatened removal of children in NSW; she describes families being "forced into a turmoil of movement by threats to take their children" (Goodall 1996, p. 131).

Other white research participants express empathy for Aboriginal mothers and contrast their treatment with that which white mothers would have received in similar circumstances:

> ...the disrespect and the cold-heartedness of not seeing the welfare of the mother and the effect on her and on the child, the baby, to be separated. There's this feeling, it's so difficult to comprehend now but there was a feeling that we were taking a baby away from an inferior person and giving it to superior people. And that's underlying it and that's a racist concept....there was the whole prevailing concept that people like [his adoptive son's birth mother], they were classified, branded, they were put in a certain group and not looked upon as the white mother next door or down the street or over the road who would be....there would be an outcry if that happened. But it didn't in these cases with Aboriginal mothers. (Male, Vic, NLA TRC 5000/137, p. 28)

This research participant, the adoptive father of an Aboriginal child, recognises both the lack of options available to Aboriginal mothers and the lack of support to help them retain their children:

> ...and the realisation for our son to know that there was a mother there, who didn't willingly and lightheartedly abandon him or give him up, but under the circumstances there was no other course of action. There was no facilities to help her get a house, to live with relatives, no concern about that. (Male, Vic, NLA TRC 5000/137, pp. 26-27)

There is some recognition amongst white research participants that Aboriginal women could be very devoted mothers. One research participant who worked as a cottage mother highlights one mother's ongoing interest and concern for her six children who had been removed; the fact that she is a capable mother is

demonstrated to this research participant by her care for her youngest child who is born subsequent to the removal of the other children. The dedication of this mother almost makes this research participant question the validity of the removal of the mother's other children, and the research participant acknowledges that if support had been available to this mother she would have been capable of caring for all her children ("Colleen", Female, SA, pp. 25-26).

In reflecting back on their involvement in Aboriginal child removal, some white research participants remain adamant that removal was the best and only option; however one describes an emerging awareness amongst white administrators in Western Australia that child removal may not in fact have been in the best interests of the child, and that the role of the mother was critical to children's healthy development, which he states was based on influential child development psychologist John Bowlby's research finding "that separating children from their mothers was a calamitous thing to do" (Male, WA, NLA TRC 5000/14, Session 1, 00:57:03). In fact, Bowlby was not necessarily opposed to removing children from their mothers; his advice was that a child needed "a warm, intimate, and continuous relationship with his mother (or permanent mother-substitute) in which both find satisfaction and enjoyment" (Bowlby 1952, p. 11). This relationship did not necessarily have to be with the birth mother, emphasising the danger inherent in theoretical approaches that separate the biological and social aspects of mothering. Bowlby in fact strongly endorsed early adoption as a preference to children being left "in limbo" in temporary or institutional care arrangements, as he felt that continuity of mothering was critical to the healthy development of the child (Bowlby 1952, p. 101).

## Culture and mothering

European studies of Aboriginal families and parenting have a long history in the academic literature. A renowned early study by anthropologist Malinowski published in 1913 strongly denounced previous theories that had suggested that no family unit existed in "traditional" Aboriginal culture; Malinowski stated that "the evidence affirms beyond any doubt the existence of strong feelings of affection and attachment between parents and children" (Malinowski 1913, p. 249).

Reviewing the anthropological literature, Cowlishaw noted that views of Aboriginal parents have ranged from them being "extremely indulgent and loving" to "extremely neglectful and cruel"; she suggests that European views on Aboriginal parenting provide more insight into European values on parenting than Aboriginal ones (Cowlishaw 1978, p. 270). Feminist anthropologist Henrietta Moore emphasises that motherhood is a cultural construction and that not all cultures share the Western association between categories such as "woman" and "mother" (Moore 1988, p. 25).  I have outlined in the literature review the argument made by some black feminists that black mothering is distinct from white mothering, both in the value attached to it within black communities and in its importance in raising children to survive and thrive in a racist society. As Moreton-Robinson observes, "For Aboriginal women survival demands expertise in cultural translation and self-presentation within the dominant culture (Moreton-Robinson 1998, p. 278).

There is a belief expressed by both Aboriginal and white research participants that Aboriginal parenting is distinctly different from white approaches to child rearing. While white research participants may recognise different or distinctive values in Aboriginal mothering which they attribute to Aboriginal culture, they display little recognition that their own views around what constitutes "normal" mothering are similarly influenced by their own cultural values.

One Aboriginal research participant removed as a child comments on the freedom Aboriginal parents gave their children to learn from their mistakes, which she argues was misinterpreted by white authorities as neglect:

> …to have non-Aboriginal people sitting in judgement, because they would not have a clue, even back in the seventies, have any kind of cultural understanding that that may have been normal practice for child-rearing, learning by experience and things like that, that freedom.  If we burnt ourselves on the fire, we learnt from that.  That doesn't mean that we were neglected, and I guess that's what makes me angry.
> ("Vicky", Female, Qld, p. 23)

Another Aboriginal research participant comments on judgements made about the failure of her mother to meet white "standards" of mothering:

> Like the letters [from the Welfare Department] I read in response to her letters were ah, 'When we are satisfied that you have maintained our standards, you'll have your children back.' Standards. Now the thing is we are of Aboriginal descent, okay and I do know that Aboriginal people parent their children differently. Now it may be different, it is not to say that it is wrong but it is different and she came under the scrutiny of the Welfare Department because of that. Now Aboriginal people have been bringing children up for years but it was not the standard of the non-indigenous ways….they thought it was wrong so they just removed the children. They called it neglect. Neglect. I'd like to really know their terms of neglect. I can't see it in my file. There is no reason to say this mother was neglecting her children. It doesn't say that.
> ("Angela", Female, Tas, pp. 8-9)

White research participants express both positive and negative perceptions of Aboriginal parenting. Aboriginal babies and children are seen to be much-indulged, particularly those living in "traditional" Aboriginal communities, where they are rarely admonished, and never physically disciplined:

> …the Aboriginal people never, never, never, never smacked their children, not the ones that were tribal people that I saw. ("Colleen", Female, SA, p. 43)

This research participant, who worked as a cottage mother, acknowledges that Aboriginal children who were brought to the mission must have perceived the differences between Aboriginal and white approaches to child rearing:

> …Aboriginal children in the tribe are never out of somebody's arms, they carry them the whole time – when they're babies they carry them in their arms and when they're old enough they put them across their

shoulders....Now, the little children who came must have noticed that, apart from anything else.... we don't carry white children to the extent – we put them in a crib or a bassinet or somewhere... ("Colleen", Female, SA, p. 45)

This observation is paralleled in the account of an Aboriginal research participant who was removed as a child, who describes the traumatic memory of being institutionalised, sleeping behind the bars of a cot for the first time and having to become accustomed to sleeping alone:

...we'd all cry for mother, the comfort of the warm body, you know, and when you sort of reach out to touch your mother, grandmother, you'd hit these bars, these very cold bars of the cot.  So that was horrible, frightening and traumatic for little tiny ones.  I think that was my first experience of being in gaol, like my mother and aunts, they were incarcerated as we were. (Female, WA, NLA TRC 5000/278, p. 17)

The availability of extended family members to care for children could be seen as placing Aboriginal families at an advantage in comparison to white nuclear-style families.  One white research participant describes Aboriginal extended families as a positive factor in caring for children:

...there was very little problems with them because babies were never left behind in the house by themselves.  There was always somebody there because there was usually two or three women with their children.  There were quite a few children there.  (Female, NSW, NLA TRC 5000/116, p. 32)

However, extended Aboriginal family structures were also characterised by some white research participants as a disadvantage leading to "overcrowding" and creating an unsuitable environment in which to raise children:

There was the continual strife within the homes that were overcrowded – you'd have twenty people living in a few bedroomed house. ("Colleen", Female, SA, p. 53)

Describing Aboriginal mothers as having "different attitudes" towards their children and not seeming to really want to have children, a white research participant who worked at a hospital in western NSW in the late 1940s recounts Aboriginal women self-segregating into a separate ward of the hospital because they had their "own ideas" about being a mother:

> I think they didn't want to be with the others. I think they had their own ideas, they wanted to be separate. (Female, NSW, NLA TRC 5000/116, p. 11)

A far more likely scenario is that these Aboriginal women were segregated not by their personal choice but because white patients and white hospital staff felt uncomfortable about Aboriginal women sharing a maternity ward with white women. In her autobiography, Alice Nannup powerfully described her feelings of isolation on being excluded from the main maternity ward after the birth of her first baby:

> I had milk fever and was very sick, so I ended up in hospital. This was Meekatharra Hospital and it was very different for Aboriginal women in those days. We weren't allowed in the main ward where all the other women would be, we had to be kept separate in a little place that was just like a meat-house. (Nannup, Marsh & Kinnane 1992, p. 155)

Nannup related gradual changes in the practice of segregating Aboriginal mothers over time, however racist attitudes persisted:

> I went into the government hospital, and another Aboriginal lady who'd had a baby and I were in a little room together. We were kept separate from the other ladies - that's the white ladies - and in some ways we didn't mind, because it was privacy for us not being stared at or talked about. But in another way we did mind, and although we used to have a good laugh about it, it still hurt that they thought they were better than we were.

When I went into hospital the next time, when my son Noel was born, we were accepted into the general ward. But even though we were allowed in there we had to be screened off. (Nannup, Marsh & Kinnane 1992, p. 187)

The white research participant who had worked as Acting Matron in western NSW later worked in the 1970s as a casual nurse at a baby health centre that provided services to Aboriginal women living in Redfern. She describes her work with the "pearlies", her term for people of mixed Aboriginal and white descent; she recalls seeing Aboriginal babies in their prams lying outside the pubs, and describes Aboriginal mothers not knowing how to feed or look after their babies properly, citing mothers not being pro-active in giving their children vitamins as an example. Despite earlier describing Aboriginal mothers as having different attitudes towards their children, she later comments on the parallels she found in her work as a community nurse between Aboriginal mothers and "mentally defective" poor white mothers:

But I never found that there was a difference in attitude to bringing up children. They just hadn't much knowledge or high intelligence. They just had to be helped along. (Female, NSW, NLA TRC 5000/116, p. 29)

Again, this comment tells us more about the attitudes of some white health workers at this time than it does about Aboriginal parenting.

Some white research participants who were adoptive or foster parents of removed Aboriginal children talk about their emerging awareness of the importance to Aboriginal children of having culturally appropriate parenting. This was something that they became aware of in the process of attempting to parent Aboriginal children, and not something that they saw as being widely recognised at the time. The white adoptive father of an Aboriginal child describes how he and his wife were not equipped culturally to adopt an Aboriginal child, and were not even aware of the identity issues that might emerge (Male, Vic, NLA TRC 5000/137, p. 15). A white research participant who worked as a cottage mother in

Victoria also comments on this issue in relation to the Aboriginal children in her care:

> ...but I really did feel quite a sorrow that they didn't have Aboriginal cottage parents. I felt that that would have been more appropriate. (Female, Vic, NLA TRC 5000/110, p. 11)

Another cottage mother describes the process when the children in her care began to realise that she was not their "real" mother, although she believes she was in the sense that she "mothered" them. As the children grew older this research participant describes issues about their identity and family becoming more pressing, and being articulated by the children in queries around who their mother was and where she was ("Colleen", Female, SA, p. 23).

It was not until the 1980s with the emergence of the Aboriginal Child Placement Principle that there was widespread recognition amongst the white community of the importance of Aboriginal carers for removed Aboriginal children, and a formal process put in place to ensure that Aboriginal children remained in culturally appropriate care.[12] At the same time there was emerging recognition of the rights of adopted people to have access to information about their birth families, which had previously been denied to them (Haebich 2000, p. 603).

Regardless of the extent to which Aboriginal mothering is culturally different to that of other mothers, there are undoubtedly some key demographic differences in the lives of Aboriginal mothers which impact on them and their families, which have been identified as follows:

> On the whole, Aboriginal women have children earlier, have more children, have more of their children die young, bring those surviving up differently, have supportive kin, live under threat of welfare and the police, have more health problems, are more likely to go to gaol or be otherwise

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[12] Although a recent press release issued by the Grandmothers Against Removals group claims that this principle is being routinely breached in contemporary welfare practices (GMAR 2016).

institutionalised, and die younger than other Australian women.

(McConnochie, Hollinsworth & Pettman 1988, p. 205)

## Attitudes towards white adoptive and foster mothers and white carers

Not many Aboriginal research participants who were removed as children describe positive relationships with their white adoptive or foster mothers or female carers in institutions.  Interestingly, those placed in families rather than institutions tend to report better relationships with adoptive or foster fathers than with adoptive or foster mothers (although there are exceptions to this).  Bowlby's research on maternal separation found that the foster or house mother was often seen by the child as a "poor makeshift for his own mother, to be left as soon as possible" (Bowlby 1952, p. 114).  A number of Aboriginal research participants describe their inability to form a bond with their foster or adoptive mother, and categorise their relationship with these substitute mothers as at best lacking in affection (see for example Male, WA, NLA TRC 5000/27; Female, NSW, NLA TRC 5000/214; Female, NSW, NLA TRC 5000/226; "Angela", Female, TAS; Male, Qld, NLA TRC 5000/294; Male, Vic, NLA TRC 5000/308).  While the majority of experiences related by Aboriginal research participants about their adoptive, foster or institutional carers were negative, it is important to acknowledge here that not all were; some research participants describe very devoted carers in institutions or very supportive foster or adoptive parents who became like another mother to them (examples include Female, QLD, NLA TRC 5000/67; Male, NT, NLA TRC 5000/233; Female, SA, NLA TRC 5000/253).

For children who were institutionalised, a number of research participants commented on the impact the high turnover of carers and their lack of cultural understanding had on their own ability to form bonds of attachment.  A feature of autobiographical accounts of Stolen Generations experiences as well as the accounts of research participants removed as children is their emphasis on the importance of the relationships they formed with other Aboriginal children who had been removed; often older girls are described as developing special relationships of care with younger children, and such relationships are described as a source of solace to grieving children.  Aboriginal children placed on their own

in white foster or adoptive homes did not have this comfort; their accounts often emphasise their loneliness, isolation, vulnerability to abuse, and identity issues.

Being a foster parent is not something one does for love alone; as Bowlby commented in response to arguments that foster parents shouldn't receive payment as this devalues their caring work, "caring for a foster-child is a real job to be paid for" (Bowlby 1952, p. 118).  Irrespective of other motives, foster care was something one did for payment and for a fixed period of time; Bowlby also comments "to encourage a foster-mother to believe that she will get all the satisfactions of a real mother is merely to raise hopes which will be dashed" (Bowlby 1952, p. 114).

One white research participant cared for multiple children within the cottage system then in place on Croker Island, and describes the experience as exhausting ("Colleen", Female, SA, p. 20). An Aboriginal research participant who was cared for on Croker Island by this woman comments:

> There was one lady who looked after me, I owe a great deal of respect and honour ….She was only eighteen years of age when she worked on Croker Island.  She cooked breakfast, she washed our clothes and put us to bed. She was like our surrogate mother.  She looked after twelve people, ranging from two months to about ten years to twelve years of age.
> (Male, NT, NLA TRC 5000/233, p. 2)

Another research participant, an Aboriginal mother who experienced removal of her children, comments critically on the role of foster parents in supporting the system of child removal, and sees them as being complicit in an unjust system:

> I've always praised them and I'm always saying the foster parents are all right, they're looking after my kids and that, but now later on in years I look back, I thought they were arseholes, pardon me, because they're helping the system to divide us all the time. ("Evelyn", Female, WA, p. 118)

Cuthbert has undertaken research on the experiences of white adoptive and foster mothers of Aboriginal children during the Stolen Generations era (Cuthbert 2001). Irrespective of what might have been their intentions at the time, Cuthbert argues that the mothering labour of these white adoptive and foster mothers was co-opted by the State to assimilate Aboriginal children; they are today seen as complicit in the crime of child stealing, and as a result their experiences are "not able to be spoken about" (Cuthbert 2001, p. 142).

## Conclusion

The accounts considered within this chapter highlight the lack of common ground between Aboriginal and white stories, experiences and perspectives on Aboriginal child removal in the Stolen Generations era, and in particular the wide divergence in views about the care provided by Aboriginal mothers.  Aboriginal mothers of Stolen Generations children have been and continue to be characterised by white people as neglectful and inadequate parents; their characterisation as such is central to white claims that the removal of Aboriginal children was "for their own good".

As detailed consideration of the interviews with my research participants emphasises, the reasons for the removal of Aboriginal children could be complex and inter-related, and do not always fit neatly into the categories that have often been used to analyse them.  The broader picture of Aboriginal child removals in Australia is far more complex than has often been acknowledged, but no less tragic – and no less a violation of the rights of Aboriginal parents.

The issue of the Stolen Generations has become highly politicised in Australia, with nearly every aspect of the history of child removals contested and scrutinised. As Gordon has commented:

> …history can become a massive subsidiary political battleground on which every monument, every date and proper name for hundreds of years past, is charged with polarized meanings. (Gordon 1999, p. 74)

Has this contestation over the history of the Stolen Generations contributed to the reluctance of Aboriginal mothers to speak publicly about their experiences? The issue of the ongoing silence of Aboriginal mothers about their experiences of child removal and the reasons that might have contributed to that silence are the focus of the following chapter.

# Chapter 5: Untold suffering? Factors inhibiting mothers' reporting of human rights violations

While people may choose to remain silent about their experiences of human rights violations for diverse reasons, research shows that such silence can be gendered (Nesiah 2006b, p. 1); and the reasons why mothers are silent may be different at least in part from those of others who choose to keep their suffering secret.

In this chapter, I investigate some of the possible reasons for the apparent lack of testimony from mothers at the *BTH* Inquiry. While the Report of the Inquiry attributed the lack of participation by Indigenous parents to the lasting impact of their grief, I explore the possibility that the framing of the issue of child removal by the Inquiry itself may in part have contributed to silencing the testimony of mothers who experienced child removal. Drawing on the feminist critique of human rights mechanisms as well as themes identified from the interviews with my research participants, I identify a number of issues that may have impacted on Aboriginal mothers' willingness to speak about their experiences of child removal.

While my research focus here is on motherhood, it is important to acknowledge the impact of social disadvantage and racism in silencing Aboriginal people; these issues are not limited to Aboriginal women only. As one research participant comments:

> … I feel for the ones that are illiterate and can't speak for themselves, and they withdraw and they go on the drink and all this, and then people are pointing the finger at them. They don't know. I feel for those ones that can't really talk and say, 'Hey, this is wrong.' I can now but I wish to God I did it back then. ("Evelyn", Female, WA, p. 19)

## The *Bringing Them Home* Inquiry: defining mothers out?

Australia's *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, undertaken by the Australian Human Rights and Equal Opportunity Commission in 1996, documented a previously

unacknowledged and arguably little recognised aspect of Australian history, and attempted to reconfigure community attitudes towards Aboriginal child removal practices that had previously been seen as unproblematic, but which the Inquiry now concluded constituted genocide (HREOC,1997, p. 218). This Inquiry took place within a context of burgeoning international interest in the use of "truth-seeking" models to examine both contemporary and historical injustices. Goodall reminds us however that the *Bringing Them Home* Inquiry is located within a longer history of activism by both Indigenous and non-Indigenous Australians on issues of Indigenous rights throughout the twentieth century, including:

> ...the Indigenous control of movements in the 1920s; the conflicts with support groups about the right to speak from the 1930s; and the Indigenous grass roots initiative in precipitating of campaigns like that against child removal and land dispossession in the 1920s, against segregation in rural areas in the 1950s and 60s, and against further dispossessions in the 1960s and 70s. The widespread and multifaceted set of interactions and alliances across two decades of Land Rights movements... the inquiry into Black Deaths in Custody and the Maralinga Royal Commission into British Nuclear Testing on Aboriginal land. (Goodall 2006)

The main focus of the Inquiry, or at least of the Report that is its primary public product, was on the experiences and testimony of people who were forcibly removed as children. The voices of these adult survivors of child removal are a key feature of the Report, however there is very little testimony included within the *Bringing Them Home* Report from Indigenous parents whose children were removed. As I have noted previously, "This strong focus on the removed children shapes the Inquiry, in terms of evidence collected, the people interviewed, and the Report's findings and recommendations" (Payne 2010, p. 21).

The *BTH* Report acknowledged the lack of parental testimony received by the Inquiry, and described it as a consequence of both the impact of child removal on the survival of Indigenous parents, and the unwillingness of those still surviving to talk about their experiences: "Few of the parents have survived to tell their own

stories.  Many of those who have feel such guilt and despair that they were unable to come forward" (HREOC 1997, p. 212). Patrick Dodson commented at the launch of the Report at the National Reconciliation Convention that "'one thing missing from this report are the mothers' stories – but how could a mother possibly bear to tell of her loss?'" (Quoted in Beresford & Omaji 1998, p. 235).  The Report contains an extract from a submission by the Aboriginal community-based organisation Link-Up NSW, which addressed the issue of the non-participation of mothers in the Inquiry:

> In preparing this submission we found that Aboriginal women were unwilling and unable to speak about the immense pain, grief and anguish that losing their children had caused them.  That pain was so strong that we were unable to find a mother who had healed enough to be able to speak, and to share her experience with us and with the Commission...we realise that here is where our mothers were hurt most deeply.   Here is where they were shamed and humiliated – they were deprived of the opportunity to participate in growing up their next generation.  They were made to feel failures; unworthy of loving and caring for their own children; they were denied participation in the future of their community.
> (HREOC 1997, p. 212)

One person I met with in the course of my research, who took notes at a community consultation organised by Link-Up NSW as part of the process of preparing its submission to the Inquiry, spoke of her abiding memory of the "enduring crippling grief" experienced by the mothers present at the consultation (Norman 2015, pers. comm. 13 November).

The following statement included in the Report, an extract from the confidential testimony of one person who was herself removed as a child and placed in multiple foster care arrangements, is one of the few voices of Aboriginal mothers who experienced child removal quoted in the entire 689 page Report:

I'm a rotten mother. My own husband even put my kids in the Home, and I fought to get them back. And then I was in a relationship after that, and he even put my kids in the Home. I think I've tried to do the best I could but that wasn't good enough. Why? Because I didn't have a role model for a start. (HREOC 1997, p. 226)

This statement addresses the intergenerational impact of child removal which was also highlighted within the Report; more than one third of Stolen Generation respondents in one study undertaken by the Aboriginal Legal Service of WA indicated that their own children had been removed (HREOC 1997, p. 226). Statistics such as this suggest that at least some of the witnesses who gave evidence to the Inquiry about their experiences of being removed as a child could also have testified about their experiences of child removal as a parent, if these questions had been asked by the Inquiry (Payne 2010, p. 24). The *BTH* Report itself acknowledges that "Due to the intergenerational dimension of child removal, many of the people who gave testimony of their own experiences of removal presumably may also have experienced removal of their own children" (HREOC 1997, p. 222).

### Definitional limitations

It is worth noting that nothing in the Inquiry's mandate limited it to only investigating the child victims of removal practices; indeed, the Report itself noted "Term of reference (a) does not confine the Inquiry to dealing only with children removed from their parents" (HREOC 1997, p. 11). Elsewhere, the Report stated that "The effects on the families left behind and on the entire Indigenous community must also be acknowledged" (HREOC 1997, p. 15), including recognition of the traumatic long-term impact of the removals on parents, who, it was noted, "could generally find no meaning in the forcible removal" (HREOC 1997, p. 214).

The Inquiry utilised an incredibly broad definition of what constituted an Aboriginal family:

For Indigenous children their 'families' were constituted by their entire communities….the practices relevant to us do not require us to distinguish 'families' from 'communities'. Children removed from their families were also removed from their communities. (HREOC 1997, p. 11)

By avoiding distinguishing between the loss resulting from child removal experienced by individual families and the loss experienced by Indigenous communities, the Inquiry was following a common pattern in transitional justice of attributing harms done to women as harms done to the broader community. Manjoo argues that "Women's roles as mothers and bearers of children, or as bearers of collective identity, often render women as targets of specific policies and practices", and that this leads to "a general lack of accountability for crimes against women" as it is *the community* that is seen as the principal victim (Manjoo 2008, pp. 137-8). The Inquiry's focus on child removal as a *community loss* was essential to the genocide case it was constructing:

When a child was forcibly removed that child's entire community lost, often permanently, its chance to perpetuate itself in that child. The Inquiry has concluded that this was a primary objective of forcible removals and is the reason they amount to genocide. (HREOC 1997, p. 218)

It is also important to note that the Inquiry did not investigate child removals that might have taken place within Aboriginal families or communities:

The broad definition of the Indigenous family adopted by the Inquiry means that some experiences of separation from parents are beyond our terms of reference. Typically, too, these did not involve the application of laws, practices and policies of forcible removal. One example is the child reared by her maternal grandparents who now seeks to trace her father without assistance from her mother or her family….Another is the woman whose own mother has raised her children and refuses to return them to their mother… (HREOC, 1997, p. 12)

As we will see in further detail when we consider the experiences of Aboriginal mothers in Chapter 6, informal fostering arrangements where Aboriginal mothers placed a child or children with a trusted friend or relative for either a short or extended period of time were not unusual during the Stolen Generations era, and have been described by some researchers as a characteristic of black families (see Eades 2008, Stack 1974). Evidence from the interviews and autobiographical sources I have analysed indicates that such arrangements usually arose because the mother had only limited alternatives available to her, however the Inquiry made it clear in this statement that such arrangements were not included within its definition of what constituted being "stolen" or forcibly removed.

Another important aspect of the Inquiry's terms of reference was the requirement to investigate Aboriginal and Torres Strait Islander child removal "by compulsion, duress or undue influence". In the initial section of the Report outlining the scope of the Inquiry, an attempt is made to define these terms, with compulsion being defined as meaning "force or coercion", whether legally or illegally exercised (HREOC 1997, p. 5); duress is defined as not requiring the application of force but involving "threats or at least moral pressure" (HREOC 1997, p. 6); and undue influence is defined as "putting improper pressure on the family to induce the surrender of the children" (HREOC 1997, p. 9). It is also noted here that "for ease of reference" the umbrella term "forcible removal" is used throughout the Report (HREOC 1997, p. 5). An early example in the Report highlighted what was seen as common child removal practice:

> A common practice was simply to remove the child forcibly, often in the
> absence of the parent but sometimes even by taking the child from the
> mother's arms. (HREOC 1997, p. 5)

I have outlined in Appendix 4 how a number of research participants believe that to legitimately describe oneself as a member of the Stolen Generations, a person had to be literally "snatched" from their mother's arms. Although the Inquiry has been criticised for its "extraordinarily wide conception of 'forcible removal'" (McGregor 2004, p. 292), I would argue that the emphasis on "forcible removal"

actually limited the Inquiry's capacity to investigate some of the broader systemic issues that contributed to Aboriginal child removal, such as those that I have outlined in Chapter 3. The Inquiry's focus on "forcible" removals also suggested that some Indigenous child removals were "voluntary" or "unforced". However, how many removals be described as truly "voluntary" within the context of the time, in which Aboriginal mothers had extremely limited options available to support their children, Aboriginal parents had legal limitations on their parental rights and were discriminated against in access to social security benefits, and Aboriginality was automatically equated with poor parenting and neglected children?

Whilst I have no wish to denigrate the important work undertaken by the *BTH* Inquiry under great financial and political constraints, I have outlined the Inquiry's terms of reference and the way it conceived of and constructed the issue of Aboriginal child removal in some detail here to emphasise that choices were being made about what policies, practices and experiences would be investigated, and those which would not, highlighting the ways in which a human rights violation is constructed to address particular and/or politically palatable wrongs, rather than all the wrongful behaviour or violation of rights that might have taken place (Barkan 2000, p xx). Possibly the Inquiry highlights limitations inherent within the concept of human rights; Rubio-Marín has argued that there is a need to reconceptualise victims beyond the human rights paradigm of the right holder, "to identify who, beyond the right holder, has been individually or collectively affected by the violation and deserves redress" (Rubio-Marín 2006, p. 31).

### 'Opening wounds': participating in the *Bringing Them Home* Inquiry

It has been noted that women often participate in human rights inquiries to testify about the harms done to others, rather than themselves; women testifiers have been described as "repositories of memory for the suffering of others" (Franke 2006, p. 822). This has interesting parallels to Gilligan's early findings as a pioneering feminist psychologist about women's tendency to act and speak only for others rather than in their own interest (Gilligan 1982, p. x). In her study of the South African Truth and Reconciliation Commission (SATRC), Ross notes that

approximately equal proportions of men and women testified, but "for the most part women described the suffering of men whereas men testified about their own experiences of violation" (Ross 2003 (a), p. 17). This was in no small part due to the way in which the SATRC defined its focus exclusively on "political violence", in a way that excluded the "everyday" violence and degradations of apartheid that were primarily experienced by women. A parallel example in the Australian context may be the Aboriginal mothers who have been long term activists demanding justice for their deceased children through the Royal Commission into Aboriginal Deaths in Custody and subsequent processes; it is interesting to contrast this with the apparent lack of participation and testimony by Aboriginal mothers at the *Bringing Them Home* Inquiry.

A number of my research participants took part in the *Bringing Them Home* Inquiry, though only one of them had experienced the removal of one of her own children, and there is no indication in her NLA interview that her testimony to the Inquiry addressed her experiences relating to the removal of her own child; it is more likely that she attended the Inquiry to speak about her own experiences of being removed when she was a child.  Despite a widespread perception that "speaking out" about injustice is an essential precursor to healing, it is evident from the transcripts that not all of those research participants who testified found the experience of participating in a human rights inquiry a positive one.

One Aboriginal research participant who worked for a community organisation reuniting separated children was involved on the Inquiry as a state representative. She reflected on the impact of limited finances on the organisation's ability to facilitate community input into the Inquiry process; nevertheless she felt that the process was important and that significant input was achieved.  However, she commented that the negative reception of the Report by the federal government contributed to re-traumatising some people in the community; rather than the truth of their stories being acknowledged, many people in the federal government and the wider community did not want to hear the "truths" the Inquiry was telling as they challenged other dominant narratives about the Australian nation:

> ...the things that were achieved were, I believe, that people came, opened up
> their wounds with great courage and strength, and talked about their pain
> with the hope that the truth would finally be acknowledged. Now, from that
> we've had people retraumatised, because prior to the findings of the inquiry
> the Prime Minister, Mr Howard, tried to discredit that document, which
> then, in effect, gave people the view that people had come there and lied.
> That somehow it wasn't really the truth.  It wasn't really what happened.  It
> wasn't really what people wanted to hear, is what the issue is.  It didn't
> show this country in the light that we all like to think, that we live in the
> lucky country. I believe the lucky country is only lucky for some, you know,
> and that's very true.  There are still issues that haven't been addressed.
> (Female, NSW, NLA TRC 5000/246, p. 44

Gigliotti has argued that official rejection of the findings of the Inquiry contributed
to silencing other victims:

> The outright refusal... of the Federal Government and Prime Minister, John
> Howard, to acknowledge the grief of Aboriginal communities by apologising
> to and for the victims of forcible removals was a denial narrative that
> contributed further to the unspeakability of the victims' stories. (Gigliotti
> 2003, p. 177)

The failure to show empathy towards others' suffering has been described as an
unavoidable feature of the human response to pain; Scarry notes that "to have
great pain is to have certainty; to hear that another person has pain is to have
doubt" (Scarry 1985, p. 7).  This doubt has the impact of amplifying the suffering of
those in pain (Scarry 1985, p. 7).

One research participant speaks about her experience participating in a family
session at the Inquiry with her siblings, all of whom had been removed from their
mother as children.  In her case, although present at the Inquiry she is silenced due
to being overwhelmed by her emotions, as the realisation of what her mother must
have gone through finally hits her:

...that's when it really hit me, it really hit me at that meeting that this wasn't all my mother's fault. You know, I was hearing all these things and I suddenly start thinking after all these years, I had sort of been thinking of myself and what all of this had done to me. And I never once had thought what happened to my mother, what was she going through? You know, how did she feel with all these things that were happening to her And I suddenly realised that in this, what was supposed to be this telling of what happened to our family, and I started crying and I cried through the whole session.

When it was my turn to talk, when they asked me what I would like to say I just couldn't say anything...And when the opportunity came for me to talk I couldn't talk because I was so emotionally upset because for the first time I'd realised gee, you know, what did my mother go through? ("Barbara", Female, SA, p. 26)

For another research participant, her experience of childhood removal and subsequent dislocation resulted in her living interstate and far removed from her own community. When she participated in a *BTH* community consultation she reported feeling that her story and her experiences were not valued by the Aboriginal community in which she now lived, leaving her with ambivalent feelings about her participation:

When I went to the Bringing Them Home meeting in Redfern I sat there, and because they're Kooris, I'm a Nyungah. I don't understand. We're still Aboriginal people. They don't care how I feel....I sat there. I listened to it all. I did have input into the Bringing Them Home. I produced a picture which was put into the small book on a few of us kids from Sister Kate's, but the way I felt I don't think she was particularly interested in what I was saying, even though I was sad and giving over a bit of how I was feeling. I was a bit jumbled up, I think, in what I was saying. I don't know. (Female, WA, NLA TRC 5000/61, p. 4)

Rather than feeling validated and part of a community of people who had suffered similar experiences, this research participant felt alienated and that her story was not valued or of interest.  Researchers have investigated similar instances of "outlier" or "non-fitting" narratives within human rights inquiries; Krog et al have written about the testimony of Mrs Konile at the SATRC, the mother of one of the "Gugulethu 7" killed by the apartheid regime.  Arguing that the SATRC "was looking for a certain kind of story: that of a brutal regime, stoic struggle, resilient mothers and families, and an eventual triumph over evil" (Krog et al 2008, p. 541), Mrs Konile's testimony was instead seen as incoherent and confusing, in part because of issues with translation but also because the imagery and metaphor Mrs Konile used to describe her experiences was meaningless to the tribunal who lacked the cultural background to understand her.  The researchers comment:

> We are saying that within a postcolonial context, a woman may appear either incoherent because of severe suffering or unintelligible because of oppression - while in fact she is neither.  Within her indigenous framework, she is logical and resilient in her knowledge of her loss and its devastating consequences in her life.  She is not too devastated to make sense; she is devastated because she intimately understands the devastation that has happened to her.  However, the forum she finds herself in and the way narratives are being read make it very hard for her to bring the depth of this devastation across. (Krog et al 2008, p. 544)

Another research participant describes the negative after-effects of her experience of testifying before the *BTH* Inquiry.  Her participation in the Inquiry brought up a lot of issues she didn't want to deal with, and details about her testimony were published in the Report which led her to feel that her confidentiality had been breached:

> Interviewer: With giving evidence in the Stolen Generation, for the Stolen Generation Report, that was a pretty powerful political thing you did.
> Interviewee: Yeah it was but in some ways I'm sorry I did that.

Interviewer: Why?

Interviewee: It just opened up a lot of things that I didn't want opened up. It made my life miserable, it made it terrible.

Interviewer: Do you feel they abused your confidence?

Interviewee: Yeah, 'course they did.

(Female, NSW, NLA TRC 5000/175, p. 67)

One research participant described the experience of herself and her brother who spoke at the Inquiry about being sexually abused as children, and their subsequent feelings of being alienated from their extended family and community:

What happened to people that like, like [her brother] and I, like people that tell their story, tell the truth what happens. Then, life becomes very hard for them to live in this community.  Like, the Church, everybody, they turn against you. They take everything away, you know.  (Female, WA, quoted in "Leo", p. 51)

This research participant, a mother who experienced child removal, comments in detail about the negative impact her testimony at the Inquiry has had on her relationship with her daughter, who was removed from her at birth.  She describes feeling hurt by the rejection and questioning of her account of childhood sexual abuse on a Catholic mission, even by some of her family members, who remain devout supporters of the church.  Members of her extended family have challenged her version of events, demonstrating the risks to mothers in speaking out; her relatives even sought to undermine her newly re-established relationship with her daughter, telling the daughter that her mother was a liar and that she "just chucked [her] out":

Interviewee: So we haven't got much of a relationship, you know, me and my daughter.  Oh, we get on good, but then again no.  There's family, there is people.

Interviewer: Do you blame anyone for that?

Interviewee: Yes.  I blame the Church, I blame my family, I blame the government, I blame the key players of Aboriginal organisations, the key

players.  I blame ATSIC, I blame the local shire, all these places – I blame them.  But I blame my family more than anybody.  My family are the ones I blame for everything.

Interviewer: For not supporting you?

Interviewee: No, they never once supported me.  Just because I am the one that stood up and talked, and I said that the Church has done this to me, the Church done that to me.  Since that day my family has just squashed me, me and my brother, they just squashed us.

(Female, WA, NLA TRC 5000/282, pp. 33-34)

This research participant highlights the role of institutions, which can sometimes have a vested interest in silencing people and suppressing their stories:

.... the Kimberly Land Council, the Aboriginal Affairs Department, the Church, they were, they are the ones suppressing us from telling our story. They are the ones that's, and yet they are the first ones to ask the government, 'We want more money, we want money for this, we want money for that', and yet they're not, you know, they're receiving a lot of money from the government but yet they are not using the money in a proper manner, like to heal us, or you know listen to our story. (Female, WA, NLA TRC 5000/282, pp. 4-5)

For this research participant and some others in my sample, talk is cheap and changes nothing; what they are seeking as an outcome from their truth-telling is compensation that will help them to address some of the damages that have been inflicted on them:

We are living in total poverty today because they have kept the truth away. And the government expects us to be all, how would I use it, the government expects us to be stable within our lives.  How could we be stable when nobody has dealt with the past?  That's what I am wild about, nobody has since the last Bringing Them Home report.  Now this is another one, I worked very hard on that, I worked very, very hard on that.  That's when the Kimberly Land Council

had the project under them.  I worked very hard and we were told, 'We are not going to get any compensation, we are not even going to get any royalties for our stories', but at least we can tell our stories.  So I was one of them that put my story in the Bringing Them Home Report and used alias names and everything, and since that book has been published I've copped nothing but shit, nothing but shit.  I've lived in total poverty.  The Church knows exactly what I've been through, what we've been through, and I'll tell you, [Interviewer], the Church has never once come to my door, or my brother's door, and asked us if we want any sort of assistance, never once.  It's always we going to them. (Female, WA, NLA TRC 5000/282, p. 25)

One Aboriginal research participant who did not participate in the *BTH* Inquiry is critical because the Report focused primarily on "sad stories", rather than "success stories" such as her own experience as a person who was ultimately reunited with her family.  She comments that a number of Aboriginal women were unwilling to share their personal stories of pain at the Inquiry:

> …many women said, 'Look, I wouldn't have the guts to get up there and tell my story, because mine is just as sad and hurtful as hers is, but I will not share, that's my private…' So you've got situations that not everybody wants their story told. (Female, WA, NLA TRC 5000/278, pp. 93-4)

This desire on the part of some women to keep their suffering private recalls Oboe's work on the women's hearings of the SATRC, and her insight that some women's sense of identity "is predicated through secret suffering" (Oboe 2007, p. 67).

A number of white research participants are also highly critical of the *BTH* Inquiry, either because of what they see as procedural flaws in the Inquiry process or because they believe their testimony was unwanted.[13]  From their perspective, the

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[13] One white interviewee relates his experience of attending the Inquiry and offering to give evidence when it met in Darwin. He states that he was told that time didn't allow for this and he was told that "…I should put in a written submission.  I felt that while I felt strongly about the whole thing, I didn't feel

Inquiry was one-sided and cannot claim to tell "the truth" about Aboriginal child removals because it did not seek out all perspectives:

> So I find that the credibility of the whole report is certainly subject to query. Also that no attempt was made to find out the other side of the story. Because everything was given in camera, no-one can query what was told to the inquiry, and to me most of it is half-truths.  They haven't told the whole truth.  I think that the report should be ignored…Because it just gives the wrong impression altogether of what actually happened.
> (Male, NT, NLA TRC 5000/105, pp. 43-44)

Again, there are strong parallels here with the reception of the SATRC's multi-volume report, which was widely received by opposition parties in South Africa "…as an ideological advertising campaign for the ANC's version of the past" (Wilson 2001, p. 39).  In a similar vein to criticisms of the *BTH* Inquiry, the SATRC was also criticised for failing to uphold "legal standards of investigation" (Wilson 2001, p. 33), highlighting fundamental misunderstandings about human rights inquiry processes, particularly those which utilise restorative justice mechanisms placing an emphasis on victim narratives.  The traditional Western approach to law has been critiqued by Indigenous academics as being hierarchical, adversarial, win-lose, individualistic and divisive (McCaslin & Breton 2008, p. 524). This is contrasted with the promise of restorative justice, which is seen by some to be an approach more compatible with Indigenous approaches to justice:

> It does not start by trying to prove a person's guilt or innocence. Its premise is that a harm has occurred, and people come together with a commitment to hearing the stories on all sides and working together to put things right to everyone's mutual satisfaction. (McCaslin & Breton 2008, p. 528)

Reactions by some of the white research participants highlight that there is a failure to understand that the *BTH* Inquiry was not operating in a traditional

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sitting down and writing a submission to the inquiry, because I thought that, you know, I was there and volunteered to give evidence." (Male, N, NLA TRC 5000/105: 44)

retributive justice mode, with the evidentiary standards and cross-examination of witnesses that such a model requires. Their hostility is more understandable with the realisation that from their perspective, they feel they have been judged and found guilty without the benefit of a "fair trial". However, perhaps there was also a failure on the part of the Inquiry to make a genuine effort to hear all stories and perspectives, to at least minimise the (possibly inevitable) perception that the Inquiry was one-sided. As these criticisms demonstrate, human rights inquiries do not operate in a political vacuum – the power dynamics of the political context impact upon their operations and investigations, and on the way their findings are received and understood.

While it is interesting to reflect on the experiences of those who testified at the *BTH* Inquiry, it is also important to consider the experiences of those who didn't even consider speaking at the Inquiry and why they might have chosen to remain silent – it is their experiences that I turn to in the following section.

### 'Keeping mum': motherhood and silence

While theories about the relative benefits and consequences of silence and speaking out about human rights violations abound (see Chapter 1 for further details), I have attempted to test these theories against the evidence from my research participants about the experiences of Aboriginal mothers in the Stolen Generations era, to determine if there are particular aspects unique to women's status as mothers that impact on their decision to speak or remain silent about human rights violations.

### 'Having no voice': constraints on speaking about sexual assault

Some feminist theorists have criticised human rights processes for a "narrow" interpretation of gender analysis that only focuses on sexual violence (see, for example, Nesiah 2006b, pp. 1-2). Others have identified the costs involved to women when speaking about their experiences of sexual violation; this is seen primarily as the social cost of losing the "benefits that accrue to perceived purity" (Aolain & Turner 2007, p. 277). Butalia has identified the ongoing silence of women who were abducted during the partition of India and Pakistan because of their fear of the possible consequences of their speech:

For women who had been through rape and abduction the reluctance to speak was of another order altogether. Sometimes these histories were not known even to members of their own families...Speaking about them, making them public, this not only meant opening up old wounds, but also being prepared to live with the consequences – perhaps another rejection, another trauma. (Butalia 2000, p. 284)

However, there is another potential constraint specific to mothers speaking about their experiences of rape and sexual abuse that has emerged from interviews with my research participants: concern about the impact of such revelations on their children. One research participant identified her concern about the impact that speaking about the circumstances of her falling pregnant through non-consensual intercourse may have had on her son and on other family members. She related her experience of falling pregnant in extremely difficult circumstances without any immediate family support:

Interviewee: I got myself, found myself in a situation that I couldn't get out of….and then I had [my son], you know. But I could never say anything to anybody, I had no family there to support me….And, everyone believed it was consensual. I didn't say anything different….I just let people think what they said. I had no family to back me up.

Interviewer: Did you tell people who the father was, of the baby, or did you just not say anything?

Interviewee: I just didn't say anything. They knew. They knew who it was….And I didn't know how, I couldn't tell anybody, I had no family. Because when you're on an Aboriginal community, you've got to have a mob behind you to back you up….So I had no one. So I just kept that in, you know, I let people think what they thought, whatever they thought about me, and I didn't contest it.

(Female, Qld, UTS Transcript RP1, pp. 16-17)

This research participant did not disclose the non-consensual nature of the intercourse that resulted in her pregnancy at the time because she felt isolated and without the support of any immediate family. After the birth of her son, her concerns about speaking about the incident became focused on the impact it would have on him and other family members if she revealed the circumstances of his conception:

> Interviewee: And I didn't want to hurt my son. He's got a very close relationship with his siblings….he's got a very very good relationship with them, and I didn't want to hurt any of them.
>
> Interviewer: No.
>
> Interviewee: You know. So I just left them to think what they wanted to think.
>
> Interviewer: Well that's, we were talking, before we started recording, about silence, and I think women's silence, and this is where it is, often there's a lot hidden in the silence, isn't there?
>
> Interviewee: Well, that was my hidden. I never spoke to anyone about it….I never said, because, while [my son]'s still alive, I never want to hurt him, you know….So, he's very close to that [family], and I'd never, you know, in a million years try to jeopardise that….He doesn't know anything about it. I never ever said anything about it. I let him believe what he's been told, or whatever he's been told. I don't know what he's been told….it would have been pointless me saying anything because so many people would get hurt. So I just carried that all these years…
>
> Interviewer: And what do you think, um, you know, have you ever spoken to [your son] about it, or is that a no-go area? How does he feel about it now, do you think, does he understand what you did, or is it a little bit of a soft spot, or…?
>
> Interviewee: I never had that conversation.
>
> Interviewer: No.
>
> Interviewee: I didn't want to get into the area about the relationship with his father.
>
> Interviewer: Yeah.

Interviewee: Because I don't know how I would have responded to that.

Interviewer: If he started asking you questions about that?

Interviewee: Yeah, whether I'd skip over that. I think there's an assumption about what happened….I couldn't say that to [my son], his father's a sleaze, and especially when he's got his brothers and sisters and they all look up to him as well, you know. So I couldn't say anything like that… I had no voice, you know.

(Female, Qld, UTS Transcript RP1, p. 25)

### Plumbing the great dark depths: Daisy Corunna's story

Another Aboriginal mother who felt heavily constrained from speaking about the circumstances of her child's parentage and conception was Daisy Corunna, Sally Morgan's grandmother. A dominant theme throughout Sally Morgan's celebrated autobiography *My Place* is the ongoing refusal of her Nan to speak to her family about her past life and experiences; one aspect of this is the suppression of her grandchildren's knowledge of their Aboriginality. In the moving concluding section of the book, Daisy, dying of lung cancer, finally agrees to speak – though not fully:

Well, Sal, that's all I'm gunna tell ya. My brain's no good, it's gone rotten. I don't want to talk no more. I got my secrets, I'll take them to the grave. Some things I can't talk 'bout. Not even to you, my grand daughter. They for me to know. They not for you or your mother to know.

I'm glad I won't be here in body when you finish that book. I'm glad I'm goin'. You a stirrer, you gunna have a lot of talkin' to do. I can't stick up for myself, you see. It's better you do it. Look out for your mother, she's like me.

(Morgan 1987, p. 428)

Daisy's prediction that Morgan's account of her family's past experiences would be controversial was accurate; Morgan's book has been criticised in terms of the accuracy of her claims about her family history and her failure to make the recordings of her interviews with her grandmother, mother and uncle available to

other researchers to "prove" their accuracy (see, for a particularly detailed critique, Windschuttle 2009, pp. 304-321). Aboriginal critiques have also abounded, and cultural theorist John Docker describes *My Place* as "a flashpoint and a challenge, not only to local Australian arguments concerning the body, ethnicity, and identity, but to the wider unresolved centuries-long post-1492 colonial and post-colonial histories of conversion and assimilation, exile and diaspora" (Docker 1998, p. 19). However, irrespective of the truth of Morgan's claims in relation to Daisy's paternity and the paternity of her daughter Gladys, one potential reading of *My Place* is as a study of an Aboriginal woman's silence. What is of interest here in terms of my research is the factors that contributed to Daisy's ongoing silence, sustained over many decades. For me, re-reading *My* Place after many years and considering it within the context of my research, the emotional heart of the book was not Morgan's discovery of her Aboriginal identity, but the decision by her dying Nan to at last speak about her experiences after a lifetime of suppressing her stories.

There are a number of possible reasons explored within the text for Daisy's refusal to talk even to close family members about her life. The suggestion of incest is hinted at without being directly addressed, as is the vulnerability of Aboriginal women working as domestic servants to rape. As I have outlined above, when the circumstances relating to the conception and birth of a child are potentially distressing to either the mother or the child, this certainly operates as a constraint on the mother's ability to speak about the past. When speaking about her search for her father, one research participant mentions her search opening up "some very unspeakable indignities that happened within the family that I won't put in here" (Female, NSW, NLA TRC 5000/246, p. 39). Another research participant who worked for Link-Up reminds us that not all family reunions were happy ones; his experience included mothers rejecting their now-adult children who were seeking out their family, "particularly when there was rape, or incest, incest-rape worst of all, because of, you know, that's just so explosive in the family" (Male, NSW, UTS Transcript RP3, pp. 17-18).

Docker observes that there is a tension in *My Place* between women's traditional role as the preservers and transmitters of cultural and family knowledge, and women suppressing this knowledge, "between women as bearers of family history, and women forced to conceal kinship connections or create false genealogies" (Docker 1998, p. 11). After hearing Daisy's story, Morgan reflects on how much is still being withheld; learning part of her Nan's history has

> ...only made me even more aware of how much we still didn't know. My mind went over and over her story; every word, every look. I knew there were great dark depths there, and I knew we would never plumb them. (Morgan, 1987, p. 431)

The "great dark depths" of some of her Nan's experiences remain forever unspoken.

Throughout *My Place,* Daisy is often described somewhat comically as being afraid of people in positions of authority – government officials, doctors, even the man who comes to collect the rent – and fearful of the consequences of her granddaughter writing down the family history:

> 'You don't know what the government's like, you're too young. You'll find out one day what they can do. You never trust anyone who works for the government, you dunno what they say about you behind your back. You mark my words, Sally.' (Morgan 1987, p. 118)

> 'You won't ever tell them anything about me, will you, Sally? I don't like strangers knowing our business, especially government people. You never know what they might do.' (Morgan 1987, p. 173)

Daisy is aware that others may see her fears as irrational, however her fear is based in the reality of her life experiences; she comments to Morgan, "You different to me. I been scared all my life, too scared to speak out. Maybe if you'd have had my life, you'd be scared too." (Morgan 1987, p. 430). In her work with

women involved in the SATRC, Ross has identified those who were resistant to testifying; Ross postulates "It may be that through their silence, women testifiers continue to resist an incursion of the state, perhaps now benevolent, but an incursion nevertheless" (Ross 2003 (a), p. 59). In the Australian context, in which many Aboriginal people's lives were marked by constant and intrusive state interventions even within their families, lack of confidence in state mechanisms as organs of justice or fear of the consequences of participation are highly likely to have been factors preventing some people from participating in Stolen Generations inquiry processes. Felman & Laub have also addressed the silencing impact of fear in their work amongst Holocaust survivors, commenting that "The fear that fate will strike again is crucial to the memory of trauma, and the inability to talk about it" (Felman & Laub 1992, p. 67). In contrast to Daisy's fear of speaking out, Morgan sees truth-speaking as an essential precursor to justice, and she is relentless in her pursuit of Daisy's story:

> '...I got secrets, Sally, I don't want anyone to know.'
> 'Everything can't be a secret.'
> 'You dunno what a secret is.'
> 'I don't like secrets. Not when they're the sort of secrets you could use to help your own people.'
> 'It wouldn't make a difference.'
> 'That's what everyone says. No one will talk. Don't you see, Nan, someone's got to tell. Otherwise, things will stay the same, they won't get any better.'
> ' 'Course they won't talk, Sally. They're frightened. You don't know what it was like. You're too young.'
> 'I'm not too young to understand. If you'd just tell me a little.'
> (Morgan 1987, p. 398)

However, by the end of her story, Daisy is apparently reconciled to the need to speak out, at least about some things:

> I'm not frightened for you anymore, Sal, you'll be protected. I think maybe this is a good thing you're doin'. I didn't want you to do it, mind. But I

think, now, maybe it's a good thing. Could be it's time to tell. Time to tell what it's been like in this country. (Morgan 1987, p. 429)

Contained within "Daisy Corunna's Story", located as the climactic ending of *My Place*, is Daisy's account of the removal of her daughter, Gladys, when the family for whom she works as a domestic servant refuses to allow her to keep Gladys with her any longer:

> When Gladdie was 'bout three years old, they took her from me. I'd been 'spectin' it. Alice told me Gladdie needed an education, so they put her in Parkerville Children's Home. What could I do? I was too frightened to say anythin'. I wanted to keep her with me, she was all I had, but they didn't want her there. Alice said she cost too much to feed, said I was ungrateful. She was wantin' me to give up my own flesh and blood and still be grateful. Aren't black people allowed to have any feelin's?
>
> I cried and cried when Alice took her away….How can a mother lose a child like that? How could she do that to me? I thought of my poor old mother then, they took her Arthur from her, and then they took me. She was broken-hearted, God bless her.
>
> When Gladdie was in Parkerville I tried to get there as often as I could, but it was a long way and I had no money…She was always real glad to see me. I knew she didn't want to stay there, but what could I do? It wasn't like I had a place of my own. It wasn't like I had any say over my own life.
> (Morgan 1987, p. 420)

It is interesting to contrast Daisy's account of Gladys' removal with the earlier words attributed to Daisy's former employer, Alice Drake-Brockman, who is reported by Morgan as saying that Gladys

> …went to Parkerville, we took her there. That was a home run by the Church of England sisters, it was a charity home for the ones that had no

parents, we sent Gladys there.  She grew up with just as nice manners as anybody could wish....She never looked back.  (Morgan 1987, p. 215)

There are many parallels with the accounts of white research participants involved in child removal outlined in Chapter 4 here.  In Drake-Brockman's version of events as recounted by Morgan, there is no mention of forcible removal – or even of Daisy having any feelings or opinions on the matter at all, which parallels Daisy's own bitter comment on Drake-Brockman's attitude towards the whole affair. Parkerville is described as "a charity home for the ones that had no parents"; Drake-Brockman seems oblivious to the reality that Gladys of course does have at least one parent (and there is also the unspoken possibility that Drake-Brockman's own husband, who Gladys apparently bears a striking resemblance to (Morgan 1987, p. 299) , is in fact both Gladys' father and grandfather).  Gladys' removal is seen as something that happens to Gladys, not to both Gladys and Daisy; and is seen as being for Gladys' own good.  Drake-Brockman emphasises the benefits Gladys received from having this "opportunity" - Parkerville here sounds more like a finishing school than an institution that was established to care for "waifs and orphans" (Commonwealth of Australia 2015).[14]  Curthoys has argued that when considering the history of white colonisation of Australia, typically a white Australian finds it "extremely difficult to recognise what he or she has done to others"; they have instead positioned themselves as suffering victims to cement a moral claim to their colonial possession of Australia (Curthoys 1999, p. 180).  In contrast with Drake-Brockman's account of a victimless removal, Daisy's account emphasises her powerlessness to prevent Gladys' removal or to provide a home for her daughter; the practical difficulties of maintaining contact with Gladys after her removal; and the parallels of this removal with her own experience of being separated from her mother as a young girl – through her own pain at losing Gladys she connects with what she believes her own mother must have experienced.

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[14] Nearly every aspect of Morgan's account of the relationship between Daisy and the Drake-Brockman's has been disputed by Alice's daughter Judith Drake-Brockman, who has written her own account of the family's relationship with Daisy and Gladys.  Despite a criticism in the Foreword about the invalidity of "hearsay evidence", a barb obviously aimed at Morgan, in Drake-Brockman's own account the reader is expected to accept the appearance of Daisy's ghost on two separate occasions as validation of Judith's version of the story (Drake Brockman 2001, pp. 138-139).

### Silence within families

As the above accounts emphasise, there can be "no go" areas even within close family relationships that operate to limit what is said by mothers about their experiences and the circumstances in which their children were removed, and also in some cases that prevent their now-adult offspring from asking too many questions about the exact circumstances of their removal.  Ross has commented on the use of silence within families who have experienced human rights violations as a coping mechanism to deal with information that is too painful or too difficult to speak about:

> A space of silence exists within the family.  It may be respectful, a kind of will to silence, generated to protect one another from the knowledge of the extent of hurt.  It may also be the silence of being unable or unwilling to meet the extent of pain suffered. Here, one can only acknowledge the strategies used to cope with violence, acknowledge the need for silence and amnesia of particular kinds.  (Ross 2003 (a), p. 3)

One research participant relates how she has not asked her son questions about his life since they have been reunited, and he has not asked her about why she gave him up, in a seemingly unspoken but mutual understanding that it is better not to probe too deeply:

> Interviewer: Did you have some questions to ask [your son], what is he doing and what has happened to him?
> Interviewee: [My son] never asked any questions, ay, never.  He just sort of was happy to meet us…
> Interviewer: Was he happy to know that you were looking for him?
> Interviewee: I never asked [my son] that, ay, he never asked any question, ay, he was just glad to meet his mum and his brother and his granny, and you know….I never asked him and he never asked me.
> (Female, Qld, NLA TRC 5000/77, pp. 45-46)

Similarly, a number of research participants who were removed as children emphasise that they have never broached the circumstances of their removal with their mothers:

> But we never talked with our mother about what had happened. And I think it was because we had respect for her not to mention it, although at the same time we still had that understanding that she didn't want us. But there was no hate there, there was no hate as far as I am concerned, there wasn't any hate from me about what had happened, I just still accepted it as it was.

> And consequently we never talked about and I wish now that we had've. Because since the Inquiry came about and we looked at getting our records, it's all different. It wasn't the case, our mother did want us.
> ("Barbara", Female, SA, p. 8)

### Suffering in silence

A number of research participants who were removed as children highlight their mothers' refusal to talk about their past experiences. Some attribute their mothers' silence to the deep hurt they have suffered:

> Eventually my mum came up and stayed a bit, but she wouldn't talk. I tried to ask questions but she was just a closed book. She didn't want to talk about anything that had happened in the past because it was too hurtful to talk about it. (Female, WA, NLA TRC 5000/52, p. 36)

> Interviewer: Did she ever tell you the problems that she had experienced as a result of your removal?
> Interviewee: She didn't speak of anything much, she kept it all to herself. Occasionally she might come out with something but I think the pain and the trauma was too much that she'd put it behind her.
> (Female, WA, NLA TRC 5000/278, p. 87)

And it's a very painful time for her because I couldn't get too much out of her. (NLA TRC 5000/79, p. 18)

For another research participant who was adopted as a baby, the discovery that her mother never mentioned her existence to her older sister who her mother managed to keep, the man she eventually married or the children she then had with him, is evidence of the depth of her mother's pain:

> ...once that decision was made and once I had been adopted out she never spoke a word of it ever, in all of the years to come. From 1958 through to her death in 1987 never spoke a word of it. To me that bears the mark of incredible pain, to bury it so deeply like that, and to marry a man and never to have mentioned it to him either....So I think I respect whatever her decisions were and I think as a woman they would have been hard decisions to have made. (Female, NSW, NLA TRC 5000/226, p. 16)

This research participant, who was working for Link-Up at the time of her NLA interview, describes the weight of silence pressing heavily on her mother and on her other clients, to the extent that it can impact on their physical as well as mental health:

> Interviewer: At the same time aren't you just a little bit angry with your mother for maybe not trying to find you?
> Interviewee: No, no, I'm not, I truly aren't. I could face her right now. All I want to say to her is that it's okay and I made it. That whatever her reasons were, I found it okay, I found my way and I'm here. So, you know, I'd send that to her. No, I'm not angry with her. I feel terribly sad for her. That's all.
> Interviewer: Because she had that secret all her life. She kept that, she never told anybody.
> Interviewee: Not a word.
> Interviewer: It must've been a big burden for her, don't you think?
> Interviewee: I think a huge burden. I think maybe physically part of her heart attack was bearing her grief for all those years – for locking it. I truly

believe in spiritual terms that grief like that, deep grief, if it's not allowed to go out physically actually eats away. It's like a cancer. I believe that that's what happened to her all those years. I think in my job here as a counsellor for people going through it, the most important part of it is talking it out, getting it out, because for so long it's been packed away and bottled away. No-one's been given permission to speak. So I'm not angry with her. I just feel sad that she couldn't have done that, and I wished that her life was different in that she could've had more freedom to do that. (Female, NSW, NLA TRC 5000/226, p. 45)

Another research participant removed as a child describes the difficulties he has had in pinning his mother down to tell him about the circumstances in which he was removed:

...I can remember my mum saying, 'I've never ever forgotten you, always had you in my mind. I'm sorry. I didn't mean it to happen. There's nothing I could have done about it', and this incredible guilt all the time....So my questioning of her was probably fairly clumsy, but it's very difficult to get the truth out of her. She keeps....the only thing she keeps saying to me was, 'I wasn't allowed to keep you. Sorry, I should have tried to come back for you, but I wasn't allowed to keep you.'
(Male, WA, NLA TRC 5000/30, pp. 40-42)

This research participant has to live with the likelihood that he will never know the true circumstances of his removal; he states that he has come to terms with that, and is no longer so sure that "the truth" is so important anyway:

Whether I'll ever know the truth about the separation is....in all honesty it's hard to imagine Mum telling me the truth. She may one day. She's eighty-two now. She lives 1500 kilometres away, so we're not in close contact. It's not the sort of thing you're going to ask someone over the phone. Whether I'll ever find the truth out I don't know, and I'm not so sure that it's important. I think there's enough documentation to say that she had very

little control over the matter.  I suppose in analysing her spoken response of…which is…she's always saying, 'I'm sorry, I'm sorry, but I couldn't keep you.  They wouldn't let me keep you' and things like that, shows she was under a fair bit of duress. (Male, WA, NLA TRC 5000/30, p. 43)

For some mothers, silence remains the safest option, as in the case of the following research participant who refuses the invitation made by the NLA interviewer to discuss the removal of three of her daughters:

Interviewee: I've got four daughters um, but I've only got one, [name], in my marriage.  They were taken from me.  Oh, one I had adopted….The others have been coming back into my life in the last couple of years, but I won't let myself get close to them.

Interviewer: Did you voluntarily give them up?

Interviewee: No, one I did.  One I did, I've told her that.  But [name] I just, I was there.  Well, I think I was a mother to her….I smothered her because I didn't, no one was gonna take her…

Interviewer: Do you want to talk about losing the other children?

Interviewee: No. (Female, NSW, NLA TRC 5000/175, p. 43)

This research participant has agreed to be interviewed as part of a national oral history project collecting Stolen Generations stories and speaks about her childhood removal from her mother; however her experiences as a mother of having her own children removed are something she wants to remain private.

### Sheeting home the blame

One issue facing many Aboriginal mothers who experienced child removal during the Stolen Generations era is the tendency for the mothers of removed children to be blamed for their failings as carers, rather than a more structural analysis being undertaken analysing broader systemic issues such as poverty and racism, and how these factors may have impacted on their ability to care for their children. Cuthbert has highlighted how in adoption scenarios the birth mother is frequently judged to have failed her children, "in being neither strong nor protective enough; in other words, not a sufficiently 'good mother', irrespective of her actual

circumstances, to have kept her baby with her" (Cuthbert 2001, p. 141). It has also been noted that "...while mothers and children may be separated from one another in response to a broad range of economic and social circumstances, maternal absence is often characterized less as a separation than as *abandonment*" (Sanger 1995, p. 28, my emphasis). This sense of abandonment is highlighted in a comment by one Aboriginal research participant:

> I suppose just that feeling of, yeah, being abandoned, of somebody who's supposed to love you the most in the world. How could you be worth anything if they could give you up. You know, you hear everywhere that a mother's love is the most precious thing in the world and a child to a mother is the most precious object and all that. You know, it makes you question yourself. If I'm such a precious object, how could somebody give that up, sort of thing? Yeah, you know, it's taken a lot to deal with, those feelings. (Male, NSW, NLA TRC 5000/115, p. 34)

Although some families preserve a fragile silence around their experiences of child removal, choosing not to ask or not to tell, other people who were removed as children describe their feelings of anger and resentment towards their mothers, and it is evident that they blame their mothers, at least in part, for their removal. This extract from "Evie's Story", incorporated into Carmel Bird's collection of autobiographical accounts by members of the Stolen Generations, highlights Evie's experience of her now-adult daughter refusing to listen to her mother's explanations about what happened:

> And with my daughter, well she came back in '88 but things aren't working out there. She blames me for everything that went wrong. She's got this hate about her - *doesn't want to know*. The two boys know where I am but turned around and said to us, 'You're not our mother - we know who our real mother is.'
> So every day of your bloody life you just get hurt all the time.
> ("Evie's story" quoted in Bird 1998, pp. 40-41, my emphasis)

One research participant speaks about her brother's inability to reconcile with their mother; she believes that he still blames their mother for his removal:

> ...my brother is very hurt about that. He don't want to talk about it, he's very hurt, and he'll always be hurt, and he don't want to talk about it. I think he just said because he got put in the home, you know, Mum couldn't take care of us, so I think that's where he's taking it out on Mum, ay.
> (Female, Qld, NLA TRC 5000/77, p. 52)

Interestingly, this research participant herself relinquished one of her two children for adoption, and has subsequently been reunited with him, perhaps giving her some insight into and compassion for her own mother's experiences.

Another research participant who was adopted as a child speaks about her half-brother's anger with their mother because she never disclosed her eldest daughter's existence to her other children:

> He was angry with our mother – very angry. He felt she'd betrayed all of them, my siblings, by not ever talking about me. He wondered why she never trusted them. That's how he felt, betrayed, and that she didn't trust him enough to say, 'You have a sister out there somewhere.' He was so angry because of the thirty-two years we'd lost...
> (NLA TRC 5000/226, p. 39)

As mentioned previously, some research participants who were removed as children seem to focus their anger at their removal on their mother more than on any other family member, possibly because of the social expectation that your mother is meant to be self-sacrificing and the one who loves and cares for you above all others. One man who was institutionalised on Palm Island with his siblings speaks about his childhood feelings of rage and hate towards his mother:

> I remember when I learnt to write letters, I wrote to my mother furiously pleading with her to come and take us off that island. I wrote to her for

years, I got no reply then I realised that she was never coming for us; that she didn't want us. That's when I began to hate her. Now I doubt if any of my letters ever got off that island or that any letters she wrote me ever stood a chance of me receiving them.

("Murray's story" quoted in Bird, 1998: 44)

As the years of my childhood went by a son's love for his mother turned to hatred that destroys any feeling of love for anyone.

("Murray's story" quoted in Bird, 1998: 49)

A research participant talks about the impact of discovering letters written by her mother on the family's welfare files many years after her mother had died, telling her children how much she loved them and demonstrating that she had attempted to maintain contact with them after their removal:

...she wrote that in 1958 and the first time we saw those words was in 1996 or '95 when we accessed them for the Inquiry. But they had a good effect really, in a way, because the words reached out through the years to say to my brothers, who were really very unforgiving about her behaviour and blamed, really put all the blame on Mum, that she was a horrible mother and that she was a bad mother and she sacrificed all of us so that she could pursue this life of drinking and things like that. Maybe girls have a different way of looking at it, but I kind of just felt sorry for her, and the boys were, even when we buried her – that's the sad part, that's the useless waste of life on regret – my mother died on first January 1977, and she died virtually with angry sons who never actually forgave her. They came out to participate in her burial and things like that, but not because they felt some connection with her. They came out to support me, because they knew that I loved her. ("Francine", Female, QLD, p. 19)

Another research participant whose father was absent from home at the time he was removed with his brothers has similarly focused his anger about his removal onto his mother, who he believes was an "easy target" for the Welfare Officers:

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Interviewer: Now, you said that your mother, at the time when you were taken away when Welfare came, didn't try to protest.  She just, what happened?  She walked inside, did she?

Interviewee: She cried.  She was crying and she turned her face away from us.  She couldn't bear to see us taken away from her.  All of her kids.  And, er, so she cried and went inside.  Soon as she turned and went inside, that's when I felt rejected.  And I know my other brothers did as well, because our last hope had just gone out the window.  And, you know we all loved Mum and we know that she loved us, but she couldn't come and help us….

Interviewer: [Name], why do you think your mother didn't try more to stop them taking you?

Interviewee: Well, Mum was so hurt, she felt powerless, because Dad wasn't there.  And, you know, seeing all of her children taken from her, she just felt powerless, and she turned her head and cried and walked away.  She couldn't bear to see us being taken from her.

Now, seeing that happened, on the other hand, I felt rejected, because I'm used to singing out to Mum and Dad for help.  And when I cried out for help she turned her back on me and walked inside.  Straight away I felt rejected, and that rejection stuck with me all the way through the years, through my young years, growing up.  I put a hatred in my heart for my mother because I felt that she didn't want us, and, ah, and that was the start of a long process of a lot of things that influenced my life as a young man growing up. ("Fred", Male, NSW, pp. 13-14)

This research participant sees his mother as having failed her children because of her powerlessness to prevent their removal; even the interviewer seems to join in judging her ("why do you think your mother didn't try more to stop them taking you?"), although it is difficult to see what she could actually have done in this situation to prevent her children's removal.  This research participant attributes his history of domestic violence towards his partners as an adult to

...the hurt that was in me against for (sic) women. Actually because of the hate that I had against my mother. I used to take it out on the women....And all of these women, the heart springs back, goes back to when my mother turned her back on me. ("Fred", Male, NSW, p. 14)

It is interesting to note that research participants rarely focus the blame for their removal on their fathers, and that male research participants who were removed as children appear more likely to attribute blame to their mothers than females.

A number of research participants also indicate that their foster and adoptive parents criticised their birth families, particularly their mothers, for their lack of care for their children, possibly in a misguided attempt to make the removed children feel grateful for being adopted or fostered. Instead of inducing feelings of gratitude, such criticisms had a highly negative impact on the children's sense of identity and self esteem:

> I knew I was Aboriginal but my foster mother used to say, 'Oh your mother is nothing but a black slut and she's an alcoholic and she doesn't want you. Blah, blah, blah.' And so I had that feeling, 'well she doesn't want me, I'm not going to say that I'm black to anyone', but I always knew that I was.
> (Female, NSW, NLA TRC 5000/264, p. 6)

One research participant who worked at Link-Up, who was herself removed as a child, comments on how her clients get locked into feeling and behaving like an abandoned child; they remain fixed in their perspective of what has happened to them in their childhood and are unable to make adult judgements about the past:

> It's easy – because I see it in my clients – to get locked into the rejected child, is what we call it, the abandoned child. I could sit there and go, well, what a lot of people do is, 'Well, if she didn't try and come and look for me, well, bugger her, I'm not looking for her either.' I think we get caught up in our own sense of it perhaps. The fact that I've studied the whole policy, I've understood the social context. Perhaps the job that I'm working in now

makes me see it, because not only do I work on behalf of the children but I work on behalf of the mothers and the adoptive parents. I cannot do my work with such a one-eyed vision that it's all their fault, and so I need to have a look. I think the other thing that has helped me is that I'm a parent now myself. I wondered if circumstances had placed me in the position like my mum, what would I have done? Would I have handled it as well as they did, you know? (Female, NSW, NLA TRC 5000/226, pp. 45-46)

Another research participant relates her experience of nearly having one of her own children removed when she gave birth as a single teenage mum; this experience gave her a new appreciation of what had happened to her own mother:

I know when we come out of the homes I hated my mother. I really hated my mother, because I blamed her, but it wasn't until that happened to me and my mother was there that I saw things differently, and being a mum now, I see things differently. So I say that since getting those reports, I realise the pain….that's what makes me angry after getting that information, because it really puts down my mother in my eyes, and someone passing judgment that wasn't a standard in their eyes.
("Vicky", Female, NSW, p. 25)

In common with a number of other female research participants who were removed as children, it is her own experiences as a mother which have enabled her to feel some empathy for the challenges and difficult choices her own mother faced.

### The impact of shame and self-blame

Feminist theorists have argued that women define themselves in the context of their relationships with others, and judge themselves "in terms of their ability to care" (Gilligan 1982, p. 164). This seems particularly true for mothers; Rich observes that "the mother's very character, her status as a woman, are in question if she has 'failed' her children" (Rich 1977, p. 52).

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There was a tendency noted at the SATRC amongst the parents of victims of apartheid in South Africa to blame themselves for the harms done to their children; Krog observes,

> Although the killer should be blamed for the death, the families of victims are often plagued by their own guilt....Parents are torn by self-doubt. Aren't parents supposed to keep their children safe from harm at any cost? (Krog 2000, p. 301)

Ross highlights the need to be aware of the enduring pain that might result from a family's failure to keep harm at bay despite all their efforts to do so (Ross 2003 (a), p. 43). In the context of his work reuniting Aboriginal families who experienced child removal, Read has observed that "To grieving parents separation implied a lack of their own care" (Read 1999, p. 172).

Aboriginal mothers' perceptions of having "failed" in their responsibilities to care for their children may have acted as a barrier to their participation in the Inquiry Payne 2010, p. 37).  The two testimonial extracts from mothers separated from their children that are included in the *BTH* Report highlight the intergenerational impact of child removal; both mothers were themselves removed as children, and they attribute the subsequent removal of their own children to in one case a lack of effective parental role modelling (HREOC 1997, p. 226), and in the other to the psychological impact of the sexual and emotional abuse they had experienced as a child (HREOC 1997, p. 228). In a classic statement of self-blame, one of these mothers states "I'm a rotten mother" (HREOC 1997, p. 226).  That both of these mothers were also themselves removed as children is an important point; there is no testimony in the *Bringing Them Home* Report from Aboriginal mothers whose children were removed who were not also themselves the victims of child removal policies and practices.  This may be due to the inter-generational impact of child removal (people who were removed were more likely to have their own children removed) but also is likely to reflect the Inquiry's strong focus on child victims.

Some mothers describe the crippling impact of self-blame that has plagued them; even in circumstances where they knew they had very little choice they still feel responsible for the removal of their children:

> Interviewee: That was hard for me and I was thinking that's my fault, see, my fault.
> Interviewer: Why did you think it was your fault?
> Interviewee: You know, they been grow up on a mission, not in a mother, and it was my fault and welfare's fault, that was.
> (Female, SA, NLA TRC 5000/129, pp. 18-19)

Others have journeyed through self-blame to realise the impact of the lack of support available to them and the inherent failings of the system of child removal:

> ...I blame myself for so many years, then I come to the realisation it wasn't me at all, it was that horrible system. ("Evelyn", Female, WA, p. 105)

### Silence and 'sorry business'

Within Aboriginal culture "sorry business" is observed as a period of mourning or grieving due to the death of a person; it can also be observed in other cases of significant loss impacting on individuals and/or a community.[15]   The exact protocols observed during "sorry business" may differ significantly from community to community, but can include not making reference to or using the name of a person who has passed away (SNAICC 2015).

One research participant describes her extended family going through a grieving process after her removal, which included destroying the possessions of the removed children and never mentioning their names:

> Well, they had the sorry business and then they just forget. 'Cause they thought they were taken….Well, my mother told me when I came back, that they had sorry business and they shifted camp.  They chucked everything

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[15] One publication noted that some Aboriginal communities have observed formal mourning periods after significant events such as the loss of a Native Title claim (SNAICC 2015).

that reminded them of me, and then they just thought that white people had taken us away to drown us in the water, the sea.

("Laura", Female, NT, p. 6)

Another research participant, also from the Northern Territory, describes her mother's silence about the removal of an older child:

Interviewer: And um, did your mother talk about [your sister] when you were little?

Interviewee: Uh, well, in Aboriginal fashion, the one that's been taken away from you, you usually don't mention their name. It was my grandmother who told me all that. Although Mum knew who she was, you know, like she had a daughter, but she never talked about her at all because she said it was too sad to mention her name.

Interviewer: To talk about?

Interviewee: Yes.

Interviewer: So it was like a death?

Interviewee: Yeah. That's their custom, yeah. Just like a dead person, they don't mention your name. Well, even when you were taken away, you know, at that time, you never spoke a persons [name] never…

Interviewer: She was dead to your mother? She was gone forever?

Interviewee: Yeah. That's what she thought, gone forever.

("Flora", Female, NT, p. 15)

Others have identified mothers, grandmothers, aunties and other women of the community engaging in ritualistic grieving, cutting or other forms of self-harm after the removal of their children (see for example NLA TRC 5000/105, p. 22).

Mellor & Haebich argue that cultural protocols and practices relating to "sorry business" may have contributed to the reluctance of some Aboriginal parents to speak about their experiences of child removal, and have also led to cross-cultural misunderstandings, with Aboriginal parents' silence due to deep-felt grief being wrongly attributed to a lack of depth of feeling:

Parents often dealt with their loss by trying to forget or by burying memories deep in their hearts or, in traditional cultural environments, by imposing a 'sorry' silence usually reserved for the dead. Sometimes this silence attracted the mistaken assumption from non-Indigenous observers that the children were not important to their families.
(Mellor & Haebich 2002, p. 8)

A comment from a white research participant highlights the different cultural values that are attributed to silence in white and Aboriginal cultures. For this research participant, the silence of the victims contributes to her disbelief and leads to her questioning their motivations in now speaking out:

At the time of being stolen, why wasn't there anything said about it? It's only later on when there was a financial advantage in it that they start shouting. This is how I feel. (Female, NSW, NLA TRC 5000/116, p. 36

Eades has identified the use of silence, typically stigmatised as a negative in Western conversation (for example an "awkward pause"), as a positive feature in Aboriginal English, used to allow people time to think things through and become comfortable with a situation, or to draw out further information. Eades comments:

People often like to sit in silence with relatives, friends or acquaintances. This was explained to me many years ago as *one way of getting to know people better*. It can also signal that people want to take time to think about an important issue. Silences in conversations between relatives, friends, or even people who are not previously acquainted, can be quite lengthy - many minutes is not seen as anything remarkable. Similarly, silences can be an important part of Aboriginal 'meeting talk.' And when people are engaged in information seeking....there are often considerable silences before requested information is provided....This use of silence contrasts with a common western reaction that silence in conversation, whether formal or

informal, is an indication that something is going wrong. (Eades 2008, p. 108)

Silence that is due to cultural observations clearly poses a significant challenge for human rights inquiry processes, which are based on the model that injured parties need to testify about their experiences in order to have any hope of redress. There are practical consequences to remaining silent, particularly within Western legal mechanisms that link payment of damages to proof of harm; Rubio-Marín comments:

...tying access to reparations of female victims to participation in truth-telling mechanisms means depriving many women of reparations....forcing women to 'come out' as victims to qualify for reparations may have a largely inhibiting effect... (Rubio-Marín 2006, p. 34)

### Navigating complex family relationships

Another issue that has emerged from my research as limiting Aboriginal mothers' ability to speak of their experiences of child removal is the complexity of post-removal families and the fear of upsetting re-established relationships with adult children or disturbing the delicate balance between birth and adoptive / foster family members. One mother who experienced child removal discusses her ambivalent feelings towards her daughter's foster mother, ranging from feelings of respect for this woman's care for her daughter to jealousy at the closeness of their relationship. As the following extract highlights, this research participant clearly respects the mothering work undertaken by the white foster mother in caring for her removed child. The research participant and her daughter's foster mother meet regularly at family functions due to their shared relationship with the research participant's daughter, and the research participant is acutely aware of the need to preserve the relationship at least on a surface level for the sake of her daughter, and to avoid offending her daughter's foster mother or making her feel threatened by her presence:

Interviewee: ...[my daughter] was like her baby.  I mean, she was there when [my daughter] was sick, and [my daughter] needed her.  She walked the floor with [my daughter], and I understood all that, you know. But she was sort of like, she was always on tenterhooks when I was round there as though I was going to take her, you know.  And, when [my daughter] started getting close to me as well, she was worried about the relationship, you know.  So I'd go there and I'd include her into whatever we did as well, so she didn't feel so...

Interviewer: Didn't feel so threatened?

Interviewee: So threatened.  So I tried, I understood the position she was coming through.  But it broke my heart to see, you know, the totality of their relationship, where I was a bit excluded, you know?....And so, at [a family function], they were all there....So I went over, I always go over and give her a big hug and ask how she's going, and sit down and have a yarn to her, and you know, to make her feel comfortable, but I didn't want her to feel that [my daughter] was putting me ahead of her at her, at a special day for her, you know.  (Female, Qld, UTS Transcript RP1, p. 31)

The difficulties of successfully maintaining relationships with adult children who were separated from their mothers in their infancy emerges as a strong theme in a number of interviews – particularly the issue of navigating complex family structures that incorporate both foster families and birth families, children that were removed and children that remained with the birth mother, and extended families including step-siblings, cousins, etc.  In many ways we do not even have the terminology to talk about the diverse range of relationships involved in these complex families, as this extract from one research participant's interview highlights:

Interviewer: Can you tell us about your parents?

Interviewee: What parents?  Like the ones I lived with when I was taken, brought up, the white people that brought me up, they were good.  They looked after me, they treated me like their own daughter.  I called 'em Mum and Dad 'cause that's the only Mum I knew, 'cause at that time I didn't know

I had a Mum and Dad.  I thought they were my Mum and Dad until I found
out later on, ten years old that they weren't my Mum and Dad….I was equal
living with them, um, my Mum and Dad that brought me up.  I keep saying
my Mum and Dad who brought me up, because they're the only ones I know
as my Mum and Dad.  Even when I talk to my father, my real Dad, I even say
to him, 'Oh Mum and Dad', and he looks at me, 'Who are you talking about
Mum and Dad?' 'The ones that brought me up, you know, that's my only
Mum and Dad. It's gonna take me a long time to get them outta my head.'
(Female, SA, NLA TRC 5000/157, pp. 1-3)

Although only one research participant addresses the issue of navigating complex
family relationships from the perspective of a birth mother, a number of other
research participants who were removed as children talk about their heightened
sensitivity to the feelings of their adoptive parents, who often strongly opposed
any attempt by them to be reunited with their birth families, as well as the
challenges they faced in reintegrating into their birth families.

### Silence as a form of resistance

In her article on white feminist campaigns in the first few decades of the twentieth
century, Paisley notes the focus of many of these campaigns on the figure of the
Aboriginal woman:

It was the image of the 'inarticulate' suffering Aboriginal mother whose
child was cruelly removed by government officials which haunted their pro-
Aboriginal campaigns. (Paisley 1995, p. 253)

Rather than assuming, as many early white feminists did, that Aboriginal women's
silence is evidence of their exclusion or being silenced, the possibility needs to be
considered that remaining silent may be an active choice, a form of agency or
resistance.  As Janeway has noted, refusal to engage can in fact be a political act,
and one which denies those in power access to those who remain aloof (Janeway
1980, p. 172).

An important point to highlight is that the benefit to the victim in speaking may be negligible, and in some cases speaking out can have more negative consequences than positive ones. Bearing witness can be seen by some to be a futile exercise; for example, the following research participant speaks critically about Aboriginal people being asked to tell their stories - but for what purpose, and what can they expect in return?

> …here the government got a cheek to ask us to tell our stories again. It's all right for the government to ask us for our stories, what is the government going to give us in return? It's not easy coming out with our stories on the past, it's not. But at least it's a healing process, you know, towards it. (Female, WA, NLA TRC 5000/282, p. 7)

This research participant reminds us that there are not always direct benefits to the victim in testifying at a human rights inquiry; such processes can be exploitative, as Nesiah has argued, because victims already know the truth. It is the privileged who receive the benefit of the truths elucidated through such processes and give them "the imprimatur of official acknowledgement" (Nesiah 2006a, p. 803).

I am reminded here of Wendy Brown's analysis that well-intentioned political projects can inadvertently redraw the very configurations and effects of power that they seek to vanquish (Brown 1995, p. 3). Drawing on the work of Foucault, and his insight that subjects and practices are always at risk of being re-subordinated by the discourses naming and politicizing them, as well as Nietzsche's concept of *ressentiment*, Brown theorises about "wounded attachments", arguing that victim identification is deeply invested in its own impotence, and can result in fixing the identities of the injured and the injurers as social positions (Brown 1995, p. 27). Brown is particularly concerned by the turn to the state as a source of support for minority rights, which she sees as legitimising state power and subverting the potential for more radical and emancipatory agendas (Brown 1995, p. 28). As Pettman has also observed, "mobilising a constituency or community along boundaries drawn in and for

dominance may reinforce those boundaries and so continue to trap people within them.  It may also make the category an easy target for state management" (Pettman 1992, p. 125).  Perhaps in refusing to speak some mothers are resisting the impetus of human rights processes to construct them as the "victim" of their life experiences, and refusing to accept the conceptualisation of the state as the arbiter of justice rather than as the party which has inflicted their injury.

## Conclusion

In this chapter I have identified a number of the factors that may have contributed to silencing the mothers of the Stolen Generations and prevented them from speaking about their experiences of the removal of their children.  The social stigma attached to disclosing sexual assault and rape has a silencing impact, particularly for mothers whose children are the product of non-consensual sexual assault and incest.  Mothers who "fail" in their duty of care for their children frequently blame themselves, and are sometimes blamed by their children, making them feel that attempts to explain their actions are futile.  In their attempt to rebuild shattered and fragile bonds with their now adult children, some mothers are silenced by the fear of the impact of what they might say on their ongoing relationships with their children.  The incredibly complex family structures of removed children, involving birth and adoptive/foster parents, siblings, half-siblings and so on, can also make it more difficult for mothers to speak frankly about the past.   Silence is self-perpetuating – as people do not speak, so others' speech is not enabled, and the possibility of developing a community of interest or support is diminished.

In the following chapter I go behind the silence to explore what my research has identified about the experiences of some Aboriginal mothers in the Stolen Generations era.

# Chapter 6: Beyond silence: Aboriginal mothers' experiences of child removal in the Stolen Generations era

In the *Bringing Them Home* Report, Aboriginal mothers are chiefly defined by their absence and their silence. Behind this silence, evidence from my research highlights that Aboriginal mothers have diverse and complex stories to tell, stories which are not always easily categorised and may not fit our preconceived ideas about mothers of the Stolen Generations.

What evidence is there about the experiences of Aboriginal mothers in the Stolen Generations era? For this chapter, I have focused on three main sources of information: interviews with Aboriginal mothers from both the NLA collection and one undertaken myself documenting mothers' experiences of child removal; the limited evidence available from within the *BTH* Report; and the autobiographical writings of Aboriginal women living during the Stolen Generations era. While I would not argue that this sample of Aboriginal mothers' experiences is in any way comprehensive or captures all of the experiences of Aboriginal mothers in the Stolen Generations era, even from this relatively small sample the range of factors contributing to child removal and the complexity of the situations Aboriginal mothers faced is evident.

The experiences of Aboriginal mothers outlined in this chapter highlight that mothers did exercise a degree of choice and agency even within the severely constrained options that may have been available to them during the Stolen Generations era. Where they had some degree of choice, mothers often exercised it to achieve what they saw as the best possible outcome for their child or children.

My objective in this chapter is not to "fill" the silence or provide a "voice to the voiceless". Rather, having identified the factors which may inhibit mothers from speaking about their experiences of human rights violations, I hope to consider here what enables them to speak – and to be heard.

## Reasons for child removal: perspectives of Aboriginal mothers

In terms of Aboriginal mothers' perceptions of why their children were removed, Figure 4 provides further details. In a number of the cases described by research participants, Aboriginal mothers experienced the removal of more than one child; where they attributed different reasons for each child's removal, these have been separately captured in Figure 4. As discussed in detail in Chapter 3, for a number of the mothers in my sample, living on a mission or government reserve exposed them to an increased risk of child removal, either because they were required to return to work when the child was still an infant, or because mission staff required all children of a certain age to move into institutional care in the mission dormitory; a third of child removals in my sample were described by Aboriginal mothers as falling within one of these two categories. Often there was a complex interplay of factors that led to children being removed that has not been fully captured by Figure 4; for example mothers who were single parents were required to return to work and faced difficult choices about the care of their children; or divorce or separation from the children's father led to family poverty resulting in welfare intervention.

**Figure 4: Aboriginal mothers' perceptions of the reasons for their child/children's removal**



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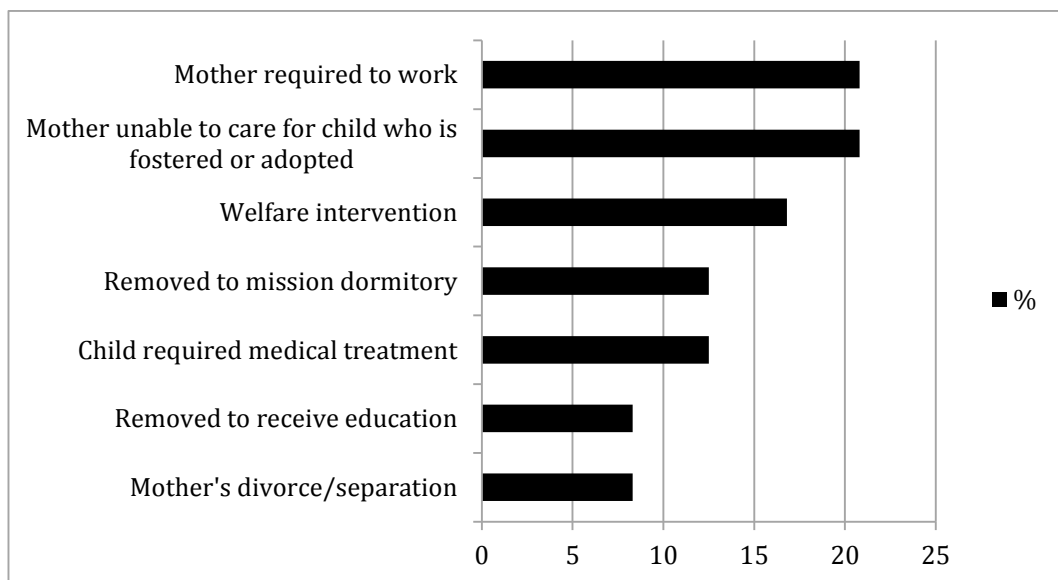
If we compare the perceptions of these Aboriginal mothers about why their child/children were removed to those of Aboriginal research participants removed as children and white research participants involved in the removals process (see Figure 3), again we see that there is not much commonality of viewpoints among these three groups. 21% of child removals were attributed by mothers to the requirement that they return to work; only 7% of Aboriginal research participants removed as children saw this as a major factor in their removal, and less than 3% of white research participants identified it as a factor in the child removals they were involved in. 12.5% of removals were attributed by Aboriginal mothers to mission policy that all children of a certain age live in the mission dorm; 7.9% of Aboriginal research participants removed as children cited this as the reason for their removal, and no white research participants identified this as a factor in Aboriginal child removals, despite several of these research participants working in mission dorms. 17% of the child removals in my sample are attributed by the mother to welfare intervention in the family; for white research participants this issue is characterised as parental neglect and is the single largest factor attributed to Aboriginal child removal, with 25% of white research participants describing Aboriginal child removals being due to neglect. Unlike the 19% of white research participants who describe Aboriginal children being voluntarily relinquished or abandoned by their mothers, no Aboriginal mother describes voluntarily relinquishing her children; however in 21% of child separations Aboriginal mothers describe themselves as being unable to support their children, in most cases due to the impact of their status as single parents, resulting in the child's fostering or adoption. There is some consensus between Aboriginal mothers and white people involved in child removals about removals for children to receive an education or medical treatment; both groups attribute around 20% of removals to these reasons, whereas only 5% of Aboriginal research participants removed as children see this as the major factor in their removal.

It is important to note that I am defining "child removal" here very broadly, as any situation in which an Aboriginal mother was unable to care for her child or children due to circumstances beyond her control, and her children were subsequently raised by others. As I have outlined in Chapter 5, I do not believe the

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categories that have most often been used to explore Aboriginal child removal in the Stolen Generations era, such as the concept of "forcible removal" or the idea of "consent", are actually helpful in understanding the experiences of many Aboriginal mothers or in exploring the difficult choices they were making. I have not excluded, as the *BTH* Inquiry did, those circumstances where Aboriginal mothers made arrangements for extended family members to care for their children, as key to my focus on the Stolen Generations era as a violation of Aboriginal parental rights is capturing a broad range of experiences where Aboriginal mothers were unable to care for their children despite their wish to do so.

It should also be noted here that none of the experiences of child removal described by the Aboriginal mothers in my sample fits neatly within the classic Stolen Generations narrative of children being taken from their mother's arms by police or welfare officers. Indeed, one mother commented that she had never seen the removal of two of her children as part of the Stolen Generations experience, because aspects of her experience differed from the dominant narrative of child removal:

> I still thought [the removal of my children] was something separate because I saw, I saw – like from that story, from those stories it was like, government officials, or police officers going out and grabbing those kids, and taking them away....there was a bit more subtlety about what happened to me, rather than blatant taken away, you know. So, I didn't equate it as the same thing....it didn't really dawn on me that that could be part of my experience as well....when we see the books and you think about Stolen Generations, it's about officers, government officials coming and taking them....So I didn't equate my situation to that. But in retrospect when I think about it, even though it wasn't a government official that did it, it was still part of that code, that they could do better at raising our kids.
> (Female, QLD, UTS Transcript RP1, p. 49)

## 'Choiceless choices'?: the experiences of Aboriginal mothers in the Stolen Generations era

The idea of the "choiceless choice" is a concept applied by historian Lawrence Langer in the context of the Holocaust, where sometimes the only "choice" available to people was between abnormal and impossible options, where there were no "humanly significant alternatives....enabling an individual to make a decision, act on it, and accept the consequences, all within a framework that supports personal integrity and self-esteem" (Langer 1980, pp. 225-6). Whilst not suggesting an equivalence between the situation of Aboriginal mothers in the Stolen Generations era and that of Holocaust victims, I would argue that Langer's notion of the "choiceless choice" has some resonance with the experiences of the mothers of the Stolen Generations, who faced situations in which they were not allowed to care for their children due to circumstances beyond their own control, and who then attempted to negotiate the best possible outcome for their child from the limited options available to them. Hegarty captures this concept in her second autobiographical book, *Bittersweet Journey*, when discussing her resignation to the situation herself and her second daughter were in trapped within the Cherbourg dormitory system:

> ...for us there was no way out. It was easy to fall into the pattern of rules and regulations. To avoid any trouble one obeyed rather than suffer the consequences.
> When you can't change anything, you live with what you've got and make the most of it. (Hegarty 2003, p. 6)

It is not surprising perhaps to learn that some of these mothers may not have identified with the idea of their children being part of the "Stolen Generations", as the factors which led to their experience of child removal were far more complex – though no less tragic – than the experience of children being torn from their mothers' arms.

One of the challenges of human rights reporting is that the notion of the victim is "grounded in passivity and denial of agency" (Nesiah 2006a, p. 808). Feminist

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critiques of truth commissions have identified the need for such inquiries to recognise women's participation in a range of roles beyond that of passive victim:

> The ideal of a gender-aware truth process is not only to avoid omitting the particular sufferings of women, but also to integrate into the conflict narrative their experiences as fighters, survivors of attack and torture, household managers, and community leaders.  To release such stories might require a different kind of truth process than a national commission. (Pankhurst 2008, p. 12)

Researchers have noted the challenge of identifying Aboriginal women's agency; as Goodall comments, "most recent studies find it far easier to follow the overwhelming impacts of 'Protection' and 'Welfare' than to trace the way resistances have been negotiated, shaped or even cracked what often appears as the unchallengeable power of the state" (Goodall 1995, p. 77). It is difficult to grasp any sense of the agency of Aboriginal parents in the face of government policies and practices of child removal, in part because the *Bringing Them Home* Report contained such limited evidence about their experiences; the focus in the Report is on parents' broken lives after the removal of their children (see, for example, HREOC 1997, p. 212).

One exception to this is the case study of "Clare" outlined in the *BTH* Report, interviewed by the Inquiry because she was herself removed as a child; the Report states:

> Clare was determined that her own two sons would not be taken from her and at one stage when they were quite young, she decided to board them with different relatives to ensure that her own status as a sole parent would not lead to their removal. (HREOC 1997, p. 224)

A number of the mothers' interviews I have analysed have clear parallels with Clare's experience, with mothers describing being in situations largely beyond their control and making the best choices available to them about the care of their

children within severely constrained options. For example, one research participant "chooses" to foster her son with family members rather than allow him to be institutionalised in the mission dormitory. Although desperately unhappy about being separated from her children, she "chose" to leave both her children with their foster families as she felt they were settled and happy there and had integrated into the families (and in the case of her daughter she had no legal recourse to secure her return), and she "absconded" interstate to begin a new life and to break the pattern of mission control, forced employment, pregnancy and child removal that had dominated her adult life to this point (Female, Qld, UTS Transcript RP1).

Detailed studies of relationships between Indigenous women and "settler" men (see for example Collmann 1988; McGrath 1980; Russell 2007) highlight that the issue of determining Indigenous women's agency within the colonial encounter is complex. Russell's paper on relationships between Aboriginal women and Tasmanian sealers emphasises that such relationships were not just a simple narrative of oppressor and oppressed; Russell is keen to

> reflect on the degree to which the women might be thought of not merely as victims of the colonial encounter but as consciously engaging with the opportunities that arose out of it – even if those opportunities were limited and did indeed occasion violence. (Russell 2007, pp. 27-8)

Russell questions "whether the home that Aboriginal women shared with sealers functioned as a site of colonialism or in fact operated as a threat to the colonial project"; she argues that relationships between these women and the sealers were "complex, multifaceted, indefinite, culturally porous, and often unstable, and changed over time in unexpected ways" (Russell 2007, p. 18).

In terms of measuring the agency of Aboriginal mothers, I would argue that the *BTH* Inquiry's dichotomous categories of "forcibly removed" or "not forcibly removed" have failed to capture the complex reality of the choices and compromises being made by many Aboriginal mothers confronted with the

removal of a child or children.  One example is the case of Doris Pilkington, whose mother Molly's journey home when she was removed from her mother as a teenager became the basis for the acclaimed biography and film (*Follow the Rabbit Proof Fence* and *The Rabbit Proof Fence*).  The sequel to the story is not as well known but is related by Pilkington in *Under the Wintamarra Tree,* Pilkington's powerful autobiography detailing her own experiences as a removed child. Pilkington relates how her mother Molly was sent to Moore River for a second time, this time with her two young daughters.  Molly again absconded from the Moore River Settlement, taking her baby daughter with her but leaving her other daughter (the author, Doris) behind:

> On 4 October 1941, ten years after her notorious first escape, Molly once again absconded from Moore River.  Unable to carry both her children, Molly took her baby daughter Anna with her, knowing Doris would be cared for by her aunt, Gracie Fields. (Pilkington 2002, p. 59)

Pilkington poignantly describes waiting by the boundary fence each day where mothers and children met at the Moore River Settlement, hoping to see her mother and sister, who never reappeared (Pilkington 2002, p. 79).  She describes how, years later when she was finally reunited with her mother, she confronted her about why she had abandoned her:

> I didn't know that I'd been taken from my mother.  I just thought she'd left me there at Moore River, that she took me there herself and then went back to Jigalong.  I thought she'd just handed me over to the Government. Mum didn't.  I asked her years later, why did she hand me over to the Native Affairs?  She broke down, she told me that I'd been taken from her, that she had no rights as an Aboriginal mother, like so many others.  If the Government wanted your children, you had no rights to prevent their removal.  You just sat down to cry and mourn for your lost children.  There was nothing else to do. (Pilkington 2002, p. 205)

Unlike *Follow the Rabbit Proof Fence* which is a story emphasising the triumph of a young girl over the systematic removal of Aboriginal children, *Under the Wintamarra Tree* emphasises the powerlessness of Aboriginal parents to prevent the removal of their children; although Molly makes a desperate "choice" in leaving Doris behind in the hope of saving her other child, Anna too is eventually removed from her and is taken to Sister Kate's in 1944, and has never been reunited with her family (NLA TRC 5000/278, p. 28).  Pilkington's autobiography contains moving personal accounts of the pain of separation from the perspective of both mother and child, their loneliness and despair, and the impact of child removal resonating throughout Indigenous families and communities. There is also a strong sense of the strength of Aboriginal communities, the bonds that developed between the removed children and the other carers who became mother figures to them, and the resilience of Aboriginal culture even under the impact of genocidal policies.  The image of the Wintamarra tree is used by Pilkington to symbolise the enduring nature of Aboriginal culture, with deep roots sending up new shoots even when the tree appears to be dead.  Pilkington also acknowledges that her own journey to reconnect with her family, her past and her culture at times led her to overlook the emotions her mother was experiencing, the trauma and pain of past events being revisited.

One mother describes her difficult decision to relinquish her second son at birth in the hope that he could have an easier life; as a single mother she was struggling to provide for the one child she already had:

> Interviewer: Why did you adopt him out?
> Interviewee: Because I didn't want him to have a hard life like my son [Name].
> Interviewer: It must have been a very hard decision.
> Interviewee: It is.  [My other son] used to say, 'Mum, where's my brother? you know.  He used to ask me all the time, 'where's my brother?'
> (Female, Qld, NLA TRC 5000/77, pp. 30-31)

When another mother was told by authorities that she was not going to be able to keep her baby daughter, she recounts her decision to initiate the timing of the separation herself:

> …I didn't want to give her up, but my eldest son was already one.  He had just turned one my eldest son, and in those days you couldn't have two young children with you without a father.  So they kept on threatening me, telling me, 'Oh we are going to take your baby,' you know, 'We are going to take your baby.'  The night I had my daughter, or the day, the time I had my daughter they took that daughter off me two days after.…Now I didn't want to give her up, but they told me, 'We are going to take her off you.' So I didn't, so instead of giving them the pleasure of removing my baby out of my arms I gave it to them.  I gave it, you know, I told them, I said, 'Okay, take my daughter now.'  (Female, WA, NLA TRC 5000/282, pp. 28-29)

In this powerful example of a "choiceless choice", this mother asserted control over the one aspect of the process she had some decision-making power over, the timing of the removal of her child.

In one interview I personally recorded, a mother who was being sent to a domestic service assignment where her baby could not accompany her chose for her child to be placed with a close relative, rather than the only other alternative of the child being placed in institutional care on a mission.   This mother was at the time of the birth of her first child an unmarried teenager with no immediate family to support her.  This case could not have been considered by the *BTH* Inquiry, as children cared for by other Indigenous family or community members were not defined as "Stolen"; and indeed the mother herself did not view the removal of this child as being part of the Stolen Generations:

> Interviewer: And what about you?  So when, you know, back in 1997 when the Human Rights and Equal Opportunity Commission as it then was, you know, said 'Oh we're going to have this big inquiry about the Stolen Generations'.  Were you aware of that when it was happening, or only after

it was published?  Did you know about the interviews they were doing, and the testimony?

Interviewee: I didn't know about the interviews, but I knew that they were doing something like that.  But then – I think for me that it was blocked off, that I didn't see my kids as being part of the Stolen Generation, you know?

Interviewer: No, no, no.

Interviewee: Although [my daughter] was, you know.

Interviewer: Yes.

Interviewee: But again, I didn't, I didn't see them like that because I thought they both went to very supportive families.

Interviewer: Yes.

Interviewee: And caring mothers…

(Female, Qld, UTS Transcript RP1, p. 44)

This research participant describes how she did not see her own experiences of child removal fitting within the framework of Stolen Generations cases (Female, Qld, UTS Transcript RP1, pp. 48-49).  Ultimately, this mother "chose" to leave her first child with his Aboriginal foster family (as an alternative to being institutionalised due to her ongoing work assignments), as she believed he was settled and happy and that this was in his best interests:

Interviewee: I didn't even know the word "Stolen" at that point.

Interviewer: No, no.

Interviewee: I just knew that I couldn't disrupt the life that he's already had.

Interviewer: So it sounds like you made a choice of what you thought was in his best interests?

Interviewee: I did.

Interviewer: Even though it was very hard and painful for you?

Interviewee: It was, you know.  And because I knew who he was with….and they had a growing family, and he was really integrated into that.

Interviewer: And happy there?

Interviewee: He was happy there, like.

(Female, Qld, UTS Transcript RP1, pp. 24-25)

This research participant did not see the removal of two of her children as relating to the Stolen Generations, because the children were not removed by government officials, she knew where they were and maintained some level of contact with them, and they went to caring families and were well looked after. The definitional limit imposed by the *BTH* Inquiry ruling out any investigation of intra-family and intra-community child separations constructed child removal as only those removals of Aboriginal children to white institutions or families; this was overwhelmingly but not exclusively the case, as a case quoted within the Report itself about the woman whose own mother has raised her children and refused to return them indicates (HREOC 1997, p. 12). The Report states that the Inquiry did not investigate such intra-family and community cases as typically they did not involve "the application of laws, practices and policies of forcible removal"; however, from the perspective of the mother the impact of the removal is identical, in that she was denied the opportunity to raise her children. Possibly the Inquiry did not investigate these cases because they would not have fitted within the genocide argument being mounted by the Inquiry – genocide, under the UN Convention, requires the forcible transfer of children from one group to another (*Genocide Convention* 1948 Article II (e)), and transfers that took place within a "racial" group could not be deemed genocidal.

### Searching for 'blameless victims'?

The emphasis placed by the *BTH* Inquiry on the child victim, and the seemingly obvious oversight in not exploring whether those testifying had themselves also experienced the removal of their own children, suggests that an emphasis was being placed on constructing "innocent" and "blameless" children as the principal victims of child removal, those who could not be accused of having any culpability in their removal. In her discussion about how humanitarian processes can silence the individuals within them, Malkki speaks of staff working within humanitarian agencies attempting to identify "exemplary victims", those most in need of aid and services (Malkki 1997, p. 231). Some victim's stories about their experiences are dismissed as "too messy, subjective, unmanageable, hysterical – as just 'stories'" (Malkki 1997, p. 232). A similar point is made by Wilson in his study of the South

African Truth and Reconciliation Commission – while the process sought to classify, categorise and analyse degrees of violation, "social reality is gloriously complex and chaotic, filled with shades and degrees that do not come in categorical boxes" (Wilson 2001, p. 47).  Goodall has emphasised how the political context of the *BTH* Inquiry and the subsequent responses to it shaped the way people talk in public about their experiences of child removal; "....the stories which *are* told in public debate are closed narratives, with all the loose ends tied up and the messy ambiguities excised" (Goodall 2002, p. 16, italics in original).  Is it possible that because some mothers' stories did not neatly fit or somehow disrupted the overarching narrative that the *Bringing Them Home* Inquiry was attempting to create, they were not sought out during the Inquiry process, or were overlooked or suppressed when the subsequent Report of the outcomes of the Inquiry was being compiled?

The narrative "role", in a sense, that is assigned to Aboriginal mothers in the dominant Stolen Generations narrative is typically to be passive, helpless, grieving, and silent.  Aboriginal mothers in Stolen Generations stories are inevitably powerless to prevent their child's removal, grief-stricken after their removal, and then absent from their lives, to possibly reappear after many years at either a joyful or disappointing reunion.  One research participant, describing scenes of child removal she recalled from her childhood, captures the typical role allotted to mothers at the point of removal in these narratives:

> They used to grab 'em.  The policemen used to grab all the kids, you know, some half-caste, some really a little bit darker, you know, grab and send 'em away…mothers and grandma, everyone would cry and falling down for the kids and the policeman take 'em away. (Female, Qld, NLA TRC 5000/36, p. 27)

The reality, as we have seen from the experiences of my research participants and some autobiographical accounts, is that Aboriginal mothers' experiences of child removal are not always straightforward accounts of children being "snatched" from their arms, but were sometimes complex and – to use Malkki's term -

"messy". Mothers' experiences are not always able to be understood in terms of simple dichotomies such as victim / oppressor, good mother / bad mother, victim / agent, present / absent. Rather than being passive victims of government policy, Aboriginal mothers in the Stolen Generations era struggled to keep their families together, and were often faced with agonising choices such as surrendering one or more children in order to keep others; leaving a child behind (Doris Pilkington's mother) or surrendering them to be raised by others (RP1's experience, Rita Huggins) because circumstances prevented them from caring for all of their children themselves.

Rather than being completely absent, a number of mothers managed to maintain some ongoing foothold in their children's lives after their removal – whether through letters, visits, phone calls, holiday visits, standing outside the fence of their children's school, or camping near the Homes their children had been relocated to – all actual examples of strategies used by Aboriginal mothers identified from the accounts of my research participants.

Despite evidence about the efforts made by some Aboriginal mothers to maintain the integrity of their families, it is important nonetheless to acknowledge that there were at times situations in which they were powerless to act:

> Interviewee: …I was just devastated that I didn't have, you know, came back to find my baby missing. But who could I go to, you know?….There was no one to go to about it. ….I went to my Aunt, but she said there's nothing we can do about it. So, you had that feeling of hopelessness, about how you can get things done, because we still weren't recognised…. we had no redress. And so, there was no one I could turn to, to say that, you know, that's my child, she's taken, I don't know where – I didn't know, even know where she was at. I came home, and she was gone. Everything was packed up and gone. And I said, 'Where's my baby, where's my baby.' And they said, 'Oh, she was sick, we needed to find her a good home.' I said, 'No', I said, 'I can take care of her, I'll take her back home.' And this – my Nan went off at me, she said, 'Where's your baby, where's that baby? You don't give her to a

Migaloo[16] woman. You bring her back.' I said, 'I didn't give her to anybody.'

So Nan was angry with me, because she thought I'd…

Interviewer: Let her go?

Interviewee: Let her go, you know. And it took a long while before I could

say no I didn't. I didn't, you know.

(Female, Qld, UTS Transcript RP1, p. 48)

This feeling of powerlessness reflects the reality of the constraints that existed on the rights of Aboriginal mothers, the lack of support available to them, and the lack of a legislative framework within to seek redress; after all, as numerous Stolen Generations legal cases have demonstrated, it has been extremely difficult to prove that removing Aboriginal children broke any Australian laws in existence at the time of their removal (Marchetti & Ransley 2005, p. 538).

### Speaking Out

Some Aboriginal mothers describe making the difficult decision to speak out about their experiences, made largely in the hope that doing so will promote awareness and understanding. Reflecting on compiling her life experiences into an autobiography, Nannup comments:

I've told my family some of these stories, but when they see them all together in one place I think they'll be surprised. There are things that I've told that will make them sad too, but I had to tell those things because they are the truth, and part of doing this is the hope that all people, young, old, black, white, will read this book and see how life was for people in my time. (Nannup, Marsh & Kinnane 1992, pp. 217-218)

In this section I will consider one mother's highly detailed account of her experiences of child removal, the autobiography of Heather Vicenti, who experienced the temporary or permanent removal of five of her seven children at various stages; this was the only in-depth autobiographical account of an Aboriginal mother's experience of child removal that I have been able to identify.

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[16] White

In stark contrast to Daisy Corunna's reticence to speak about her past, Vicenti's detailed description highlights a number of the factors that impacted upon Aboriginal mothers, including state and federal legislation, work requirements, unequal custody rights, differential access to social security benefits leading to charges of child neglect, and the tragic deaths of a number of her children, including a death in custody.  Vicenti's personal account is accompanied by reproductions of a number of official documents and letters pertaining to her experiences that provide valuable insights into child removal policies and practices.  I have discussed Vicenti's case in some detail below, as such an in-depth account of child removal told from the perspective of an Aboriginal mother is incredibly rare.

### 'Too many tears': the autobiography of Heather Vicenti

Vicenti was a twenty-year old unmarried mother when her first child was born in January 1956.   This child was initially adopted by his paternal grandmother as Vicenti's request to marry the baby's white father was rejected by the Protector of Aborigines (Vicenti & Dickman 2008, p. 73).

In another example of the "choiceless choice" exercised by Aboriginal mothers, Vicenti decided that she would prefer her son to be raised in a family environment rather than being institutionalised as she herself had been (Vicenti was raised at Moore River and Roelands).  Despite intense pressure from authorities to relinquish him for adoption, including being informed that she had no authority to prevent his removal as he was a ward of the state, Vicenti "chooses" instead for her son to be adopted by his father's family:

> I don't know where I found the strength to oppose them, but I eventually told them quite forcibly, 'I don't want my baby at Roelands.  I want him with his father's family to grow up in a family situation.  They can adopt him - I will sign him over to them.' (Vicenti & Dickman 2008, p. 77)

In her perception, this decision gave her a degree of control over her son's care arrangements.

Vicenti was sent out to work as a domestic servant in Albany soon after the birth of her son Kim – "I suspect that this was to deliberately remove me from contact with my child and his father. Frank's mother took Kim and I will always be grateful for that. But I missed my child terribly and pined for him. I constantly wondered and worried about him..." (Vicenti & Dickman 2008, p. 78). As outlined in Chapter 3 above, Vicenti wrote to the Native Welfare Department asking for her son's return, and was successful in securing his return when he was about six months old - with, it should be noted, the assistance of the WA Commissioner of Native Welfare, who wrote a letter in his capacity as Vicenti's legal guardian objecting on her behalf to the adoption (Vicenti & Dickman 2008, p. 80). This letter is significant and highlights the need to avoid making broad generalisations about the roles played by various organisations and individuals in child removal processes. However, despite regaining custody of her son, within less than 12 months Vicenti had placed him in Sister Kate's Home as her arrangements to care for her son while she was working had fallen through; the letter from a patrol officer on Vicenti's Native Welfare file dated 12 March 1957 states that this arrangement was "by mutual consent", and that Vicenti would pay maintenance of £2 per week for his care (Vicenti & Dickman 2008, p. 81).

In 1958 Vicenti married a German migrant and had another baby; the newly-married couple were able to again secure Kim's return – "The Native Welfare Department released Kim to me only because I had married" (Vicenti & Dickman 2008, p. 86). Now living in Carnarvon, Vicenti was subjected to ongoing surveillance by Native Welfare, receiving regular visits from the local Native Welfare officer; a letter from this patrol officer is reproduced, outlining his request for information on Vicenti's "caste" as this "could have some effect on the future of her child" (Vicenti & Dickman 2008, p. 85). Vicenti had another baby, a daughter, in 1959; in 1962 the family relocated to Perth, and the marriage ended while Vicenti was expecting her fourth child. Despite being awarded maintenance payments from her ex-husband, these were never paid and Vicenti and her children were left in dire financial circumstances.

I have referred in Chapter 3 to the discrepancy in welfare assistance given to Aboriginal and non-Aboriginal women experiencing financial difficulties, and Vicenti reproduces a series of letters she received from the Native Welfare Department outlining the differential status of herself as a "half-caste" and her children as "quarter-caste" in access to welfare payments that she sought after her marriage ended. These letters highlight the ludicrousness of welfare payments being racially-based – a child in need is surely a child in need regardless of its racial background; but also highlight how difficult such policies - based on supposed gradations of blood quantum - were to administer in practice (Vicenti & Dickman 2008, pp. 96-97).

At the height of Vicenti's financial struggles, her fourth child Ricci was born in January 1963; he was immediately placed by officers of the Native Welfare Department in a home for children awaiting adoption. Struggling to support herself and her other children, ineligible for benefits, sole parent to a young family of four children, Vicenti was advised by both the Department of Child Welfare and the Department of Native Welfare that she should seek work "to maintain myself and the children":

> I was now virtually destitute. I knew then that my lack of income and resources would not allow me to keep Ricci. (Vicenti & Dickman 2008, p. 98)

As Vicenti was herself removed as a child, she did not have a network of extended family to draw upon for support. She believes she was constantly monitored by Native Welfare because she was seen as an easy target.

However, in another example of Aboriginal mothers' agency even in situations of extremely limited options, Vicenti again decided to exercise her own choices rather than those being forced upon her. She made an informal arrangement for a white female friend who was involved in advocating for Aboriginal rights to raise Ricci, rather than surrendering him formally for adoption. This led to what Vicenti herself describes as "a bizarre chain of events" (Vicenti & Dickman 2008, p. 106),

with Ricci's foster mother taking Ricci and another Aboriginal boy to live in Russia in 1964. The mother of the other Aboriginal boy had a change of heart and contacted the newspapers alleging the children have been kidnapped; the story created a media storm and it was insinuated that Vicenti had sold her child or been duped by Communists. An article published in *The West Australian* about the removal of the boys on 24 February 1964 stated:

> The other mother, Mrs Heather Vicenti of Aberdeen Street, West Perth, said yesterday that she could not afford to pay for her 15 month old son's return or support him when he arrived.

> She had readily agreed when Mrs Smith had suggested her son John[17] (15 months), should go to stay with her for an indefinite period. 'I knew Mrs Smith could give John a better life and education than I could', said Mrs Vicenti. (reproduced in Vicenti & Dickman 2008, p. 108)

Vicenti's "ready agreement" to the fostering arrangement is similar to the "mutual consent" of her earlier arrangement to place her eldest child in Sister Kate's; what she saw as the best choice from a number of bad options available to her. Vicenti, however, maintains that it was the right decision and was made in Ricci's best interests – "I argued that Ricci would be educated by them and would grow up in a loving environment without the racism that existed in Western Australia" (Vicenti & Dickman 2008, p. 106). She did not see Ricci again until he was ten years old. Vicenti also highlights the irony of being criticised for allowing her son to be "kidnapped" when white authorities were engaged in child removals on a widespread scale.

Vicenti's fifth child was born in April 1964, shortly after the media furore; Vicenti believes that her high profile due to the negative newspaper coverage of Ricci's foster arrangements had made her a target for welfare authorities, and shortly afterwards all four of her remaining children were removed:

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[17] Ricci is renamed "John" by his adoptive mother.

I cannot recall the time or the date that they arrived. I cannot remember if they were police officers or welfare officers, but they swooped like rabid vultures and seized my children. It was declared that I was constantly hosting parties, had undesirables living with me and was unfit to have my children. I was devastated and could not believe it. My house was always tidy, and the children clean and well-dressed. There was never any allegation of any type of child abuse. (Vicenti & Dickman 2008, p. 110)

Vicenti was summoned to appear in the Perth Children's Court in January 1965. The extract from the court transcript provided in Vicenti's autobiography indicated that the magistrate, after what appeared to be a very cursory consideration of the family's circumstances, was satisfied that the children were neglected on the basis that Vicenti had recently requested food from a night shelter for her children. This highlights the double-bind that other Aboriginal research participants also relate, that when mothers asked authorities for assistance this was then used against them to justify removal of their children (see, for example, "Angela", p. 2). Vicenti's children were committed to the care of the Child Welfare Department until they reached the age of 18 years; the court transcript extract poignantly concludes "Mother weeps" (Vicenti & Dickman 2008, p. 113). Vicenti was unable to regain custody of her children despite her ongoing efforts; she eventually decided to relinquish her baby son for adoption, believing that this would be in his best interests, but refused repeated requests by the foster parents to adopt her daughter, who was six at the time she was removed and who Vicenti knew would remember her. Vicenti clearly had her own sense of what was in the best interests of each of her children, and made differing decisions for each of them regarding their placement to the best of her ability given the severe constraints she was operating under. However, Vicenti argues that the child welfare system was designed to remove children rather than to reunite families, and parents were inevitably worn down by its relentless internal logic. She comments:

...I recall contacting the Department on several occasions asking them to check my home and to send them back to me, if not permanently for overnight or weekend visits. My requests were always denied, and I

eventually gave up trying….There would be no formal re-unification and no attempt made to return my children at any stage of their wardship. I believe that the lack of compassion and lack of assistance, and departmental incompetence contributed to the later destruction of my family. The people who administered the Child Welfare Act gave little thought to the organisation of access to children and the ultimate reunification of families. (Vicenti & Dickman 2008, p. 119)

Vicenti describes the devastating impact of the loss of her children:

I can never forget the day when my world fell apart. My life is divided in time by that day - before my children were taken, and after my children were taken. The pain of it never leaves. After forty years it is still there - forty years of pain, guilt and self-recrimination, frustration, and anger at a system unjust. I still cannot walk within that precinct of Perth; the memories are raw and painful; they return at times unbidden. The pain diminishes with time, but never really goes away. It still appears at strange moments. My life was destroyed that day, and the lives of my children. They cut the bonds that tied us all together. (Vicenti & Dickman 2008, p. 113)

Vicenti had two other children with a new partner in 1969 and 1970, however she lived in constant dread that they too would be taken from her:

I knew then that I had to live with the constant fear that they would come and take my two children from me. My every waking moment was filled with dread, and would be for the next few years. Every knock on the door, every strange voice, and every official letter that I received filled me with an absolute terror. My life would not be the same again for many years. (Vicenti & Dickman 2008, p. 129)

All of Vicenti's children eventually returned to her as adults; however, she ultimately lost four of her seven children in tragic circumstances. Ricci was shot

and killed in 1982 while attempting to escape from police custody after being arrested for an incident of petty theft[18]; her youngest daughter Vanessa died of a drug overdose in suspicious circumstances in 1996; her eldest daughter Marcia died of a drug overdose in 1997; her son Michael committed suicide in 1999. Vicenti comments:

> There is no blueprint for how to mourn the loss and how to cope with the grief, anger, guilt and sadness. The loss is with me always, like an unwelcome guest who refuses to leave. I carry it with me always, wherever I go. It is the standard with which I compare all other problems and pain. (Vicenti & Dickman 2008, p. 188)

The tragic death of their children is, sadly, a major and recurrent theme of Aboriginal mothers' autobiographical writing, and almost without exception the accounts that I have read for my research highlight mothers' experiences of grief and loss; resilience in the face of overwhelming difficulties is another key theme. Vicenti discovered that her daughter Marcia had had a child at sixteen and relinquished the child for adoption; despite being Marcia's mother Vicenti was never informed or offered the opportunity to care for her granddaughter. At the time of recording her NLA interview, Vicenti was caring for a number of her grandchildren, and had been contacted by Marcia's daughter who wanted to reconnect with her birth family; she describes drawing strength from her caring role, providing the support to others that she herself never had.

Vicenti describes her motivations for speaking out and sharing her story:

> Of those who did have their children taken, many do not wish to speak of an experience that was so terribly painful. Just writing my story has been a confrontation with the past, some of it my darkest nightmare. I tell my story in the hope that the lesson may be learned....Although my story is sad, it is far

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[18] Ricci's death was later investigated by the RCIADIC; there was also a film made about him, *A Little Life*; and I discovered a blog about Ricci and the tragic death 22 years later of his posthumously-born son, also called Ricci, in a car accident – see http://meme.com.au/community/riccis.html

from unique.  The whole history of our people is sad.  I do not look for sympathy, but our stories must be told.  They must be told so that the themes are never repeated. We must all be vigilant. (Vicenti & Dickman 2008, p. 195)

I found the experience of reading Vicenti's frank and powerful autobiography harrowing, but observed myself at many stages questioning her judgement and decisions, particularly on my first reading.  Understanding requires empathy, and many of the challenges facing Aboriginal mothers – dealing with extreme poverty, fighting to keep their children, caring for extended family and community members, dealing with courts and the juvenile and adult justice systems - have little in common with those facing most white middle class mothers such as myself.  As Vicenti's account highlights, one thing that happens when Aboriginal mothers speak out about their experiences of child removal and their struggles in raising their family is that people make judgements about their parenting and some may find it lacking, which is undoubtedly a contributing factor to many mothers' ongoing silence.  Vicenti's autobiography powerfully demonstrates Malkki's insight about some lives being "too messy" to be neatly contained within humanitarian discourses (Malkki 1997, p. 232).  While some of the decisions Vicenti made in relation to her children may seem to demonstrate questionable judgement, bearing in mind the immense financial and social difficulties she was facing as a single Aboriginal mother without family or effective welfare support, it is difficult not to have sympathy for her plight.  Even the most bizarre aspect of her account, the surrendering of Ricci and his removal overseas, seems more explicable in the context of the imminent threat of the removal of all her children and the extreme poverty the family was then living in; at least she was able to exercise some element of control over his ongoing care arrangements.

### Being heard: the importance of public recognition

Community recognition, awareness and acceptance of the Stolen Generations has undoubtedly been a factor in enabling some people to speak about their experience.  Despite my comments about the role of the dominant Stolen Generations narrative in silencing Aboriginal mothers, it is important to

acknowledge that for many Aboriginal people who were removed as children it is a validating narrative and one which has enabled their stories to emerge.

The NLA interviews were primarily recorded in the period around 1999-2001, after the *BTH* Report had been published but during the phase when the federal government refused to accept the key findings of the Inquiry or apologise for child removals.  A number of research participants mention their pain and hurt when politicians or others questioned the legitimacy of their experiences or refused to apologise:

> This year has been a very hard year, the year 2000, because of the Howard government will not apologise for the atrocities put on the children that were removed…I will still battle to get an apology from the government, which I would like in turn a sincere apology from the government and a set up of a reparations tribunal for all the hurt that's happened to everybody. (Male, NT, NLA TRC 5000/233, pp. 8-9)

In their work with Holocaust survivors, Felman & Laub have argued that denial of the truth of one's experiences can also silence, as some stories require an empathetic listener:

> The absence of an empathic listener, or more radically, the absence of an addressable other, an other who can hear the anguish of one's memories and thus affirm and recognize their realness, annihilates the story. (Felman & Laub 1992, p. 68)

For several research participants who were removed as children, the issue is not limited to being able to speak about their experiences, but to knowing that their stories have been heard and appropriately responded to:

> Interviewee 2: What do you think, you reckon we're ready to reconcile?
> Interviewee 1: I don't think so.  Far as I know.

Interviewee 2: Yeah, they have to look at the past things…They have to listen to our stories.  They have to believe our stories.
("Leo", Male, WA, p. 42. Nb. Interviewee 2 is Interviewee 1's sister)

…I strongly believe that the government has to sit properly and listen to all these stories.  The government has to sit down and listen to all these stories….I think they are using the name Removal of Children just to give us a little bit of hope without using that hope, they just leave us, leave that hope sitting up there for us to cling on to, you know, that something will be looked at.  But nothing is looked at...
(Female, WA, NLA TRC 5000/282, p. 48)

We don't need a 'sorry', we need them to recognise these atrocities happened back then and they're still haunting us really.
("Evelyn", Female, WA, p. 3)

Some research participants highlight the need to move beyond symbolic gestures such as an apology to address the issue of compensation; they want real assistance to help them to deal with the ongoing impact of child removal on their lives.  One mother is highly critical and bitter about the lack of compensation and support for the victims of the Stolen Generations.  She wants compensation, something tangible and significant that shows that the government has heard and responded to the pain and disadvantage caused by child removal:

It would be good if the government can transfer ownership of our Ministry of Housing, transfer the ownership to us.  At least we can strongly, honestly and strongly tell our children in time to come, 'Oh at least the government gave us something.'…So if at least the government does that, at least we've got some hope of telling our children that something was done.  But if the government does not look at it now, and carries on the way the past government has and the Minister of Aboriginal Affairs carried on, we will never get anywhere.  (Female, WA, NLA TRC 5000/282, p. 49)

There are a range of opinions expressed by Aboriginal research participants in relation to the issue of compensation for members of the Stolen Generations, with strong views expressed both for and against it, whereas for white research participants the issue of compensation is often linked to questioning the veracity of Stolen Generations stories and the motivations of those who tell them. One Aboriginal research participant who was removed as a child believes compensation should have been given to the mothers whose children were removed:

> Anybody who should have got compensation, as far as I am concerned, was my mother. She was the person who suffered most, because I had no idea, I was four. There would have been an initial loss, but after that I just existed. But my mother had the knowledge for over thirty years of me, and trying to find me. So should she have been compensated for thirty years of suffering? (Female, WA, NLA TRC 5000/52, p. 67)

In this research participant's case, however, it is "too late" for her mother to be compensated, as her mother has already passed away.

## 'The sympathy of bitter experience': does 'speaking out' contribute to healing?

Speaking out about human rights violations is seen as both a moral and legal imperative in Western culture. As highlighted earlier, Young has identified in the context of Holocaust narratives the importance of the idea of "bearing witness" in the Judeo-Christian tradition, as well as the value placed upon the idea of being a witness in legal processes to investigate wrongdoing (Young 1988, p. 18). Research has also been undertaken – including research by and with Indigenous peoples - which suggests that speaking about traumatic events, if undertaken in a sensitive and safe environment where the consequences of speaking are carefully managed, can actually contribute to the participants' sense of acknowledgement of the wrongs they have experienced, validate their pain and anger and can contribute to their healing (see, for example, Benabed 2009, Herman 1992, Wesley-Esquimaux and Smolewski 2004). However, Antze & Lambek note that

"there is nothing liberating in narrative per se. Merely to transfer the story from embodied symptoms to words is not necessarily either to integrate or to exorcise it" (Antze & Lambek 1996, p. xix). Even where speaking out has a therapeutic benefit, it keeps the identification of the harms done and the focus for future healing on the individual, again obviating the wider systemic issues that might have caused the damage or harms in the first place, and the broader structural issues that might need to be addressed to prevent the violation happening again. While therapy is consequently often viewed as "a triumph over the political" (Antze & Lambek 1996, p. xxiv), Kennedy & Wilson emphasise the need to address the social, historical and power dimensions of Stolen Generations narratives, arguing that "…what is healing in speaking about separation is not speaking *per se*, but rather challenging the particular historical relations of speaking and listening" (Kennedy & Wilson 2003, p. 129). This, I would argue, is what differentiates speech as therapy from speech as testimony; the expectation of the speaker that social change will result from their speech.

A number of research participants speak about the importance to them of ensuring that the policies and practices of Aboriginal child removal never happen again; when asked about the issue of compensation one research participant responds:

> Interviewee: Well money can't bring back something that…Money doesn't compensate you from being taken away from your mother, no money, no amount of money can give you back your parents.
> Interviewer: What would you ask for?
> Interviewee: That it never happens again. That it's something that'll never happen again in this country. And of course I don't think anybody, no matter who you are, has got the right to take children away because the colour of your skin is different from somebody else's.
> ("Clara", Female, WA, p. 18)

In terms of the practical benefits to the individual of speaking out about their experiences, some argue that speech leads to the finding of a common community that empowers people:

...victims meet each other and find out that they are not lonely sufferers.... out of the sharing comes an ability to trust those who have been caught in the same bind as oneself. (Janeway 1980, pp. 169-170)

Sometimes speaking about experiences that have long been held close can be liberating for the speaker, and can help them to mend other relationships in their lives.  Reflecting on the process of telling her life story as part of an oral history project, Patsy Cohen commented to her research collaborator that "the telling had taken a load off her mind and how she had never spoken of many of these things before.  She said how it had made a difference in her relationship to her now grown up children" (Cohen & Somerville 1990, p. xiii).

Based on their work with Holocaust survivors, Felman &Laub argue that speaking about experiences of suffering is essential, as silence is oppressive and survivors whose stories remain untold begin to doubt their own reality:

> Some have hardly spoken of it, but even those who have talked incessantly feel that they have managed to say very little that was heard.  *None find peace in silence, even when it is their choice to remain silent.... The 'not telling' of the story serves as a perpetuation of its tyranny... The longer the story remains untold, the more distorted it becomes in the survivor's conception of it, so much so that the survivor doubts the reality of the actual events.*  (Felman & Laub 1992, p. 79, my emphasis)

One Aboriginal research participant who experienced child removal is asked whether she sees speaking about her experiences as part of healing:

> Interviewer: Do you think that's part of the healing process, being actually able to talk about these issues and stories, and things like that?
> Interviewee: Yeah, but does anyone really listen? I mean, I think it's been beaten to death, you know, the Stolen Generation, the Stolen Generation. But it is out there, it is you know, and I'm only thirty-three and I've got

three sisters and brothers.  Three sisters that are younger than me, and it happened to my kids.  So it's still happening... (NLA TRC 5000/264, p. 15)

Another research participant talks about "coming out of silence" through her participation in recovery groups and meeting others who have had similar experiences ("Daisy", Female, NT, p. 52).  In her autobiography Ella Simon makes reference to what she terms "the sympathy of bitter experience", a terms she uses to describe the shared experience of Aboriginal and white country women who find common ground in their battle to improve local conditions and services (Simon 1978, p. 103).  Certainly many of the research participants who were removed as children speak of receiving solace and comfort from meeting others who have lived through the experience of child removal and can share with them intimate knowledge and understanding of their pain.  This is a solace that the mothers of the Stolen Generations - who have primarily remained silent - cannot receive.

## Conclusion

Fundamental to my research has been my belief that there are significant insights to be gained by analysing Aboriginal mothers' experiences and perspectives on the removal of their children which are not readily available from any other source. The stories of the mothers of the Stolen Generations highlight the importance of thinking broadly about the impact of human rights violations, and ensuring that all parties who are impacted by the violation are included in any subsequent investigation process.

While some argue that talking about past experiences is a key aspect of healing, speaking out can be confronting, particularly for mothers of removed children who have a lot at stake and very little of practical benefit to gain.  While theoretical debates abound about the therapeutic benefits or harms of "speaking out" on an individual level, it is clear that the context in which speech (or silence) occurs is vitally important, as is the individual retaining some sense of control over their story and what happens to it after it is told.

What enables some mothers to speak about their experiences of child removal? The desire to raise awareness of their circumstances and to prevent future repetition of similar violations are mentioned by a number of people as important motivators. The importance of a receptive audience cannot be overstated; it is hard to speak into a vacuum, or if one believes the reception of one's story will be critical or hostile. For some, simply "being heard" is not sufficient; they want to move beyond symbolic gestures to practical measures that will address some of the real harms they have suffered and continue to suffer.

Ross has identified "the need for a new language of social suffering, one that permits the expression of the full range of experience, admits the integrity of silence, recognises the fragmented an unfinished nature of social recovery, and does not presume closure" (Ross 2003 (a), p. 165). The complex, sometimes "messy" stories of some Aboriginal mothers in the Stolen Generations era require knowledge of the structural disadvantages these mothers faced, an appreciation of the difficult choices they confronted, and a measure of empathy with their experiences to be properly heard and understood - and so they remain largely untold.

# Findings and conclusions

Throughout this thesis I have explored issues around motherhood and human rights, through in-depth analysis of the experiences of the mothers of the Stolen Generations. My research has focused on identifying Aboriginal mothers' experiences at the time of the removal of their children, but also on their subsequent experiences of engagement or disengagement with the *Bringing Them Home* Inquiry, which investigated whether the forcible removal of Indigenous children constituted a human rights violation. My research has identified the structural barriers to mothering in the Stolen Generations era; the impact of negative perceptions of Aboriginal motherhood on child removal practices; and the factors impacting on Aboriginal mothers' decisions to speak or be silent about their experiences of child removal through the *BTH* Inquiry and beyond.

In the following section I summarise my findings and highlight the contribution I believe my research has made to our understanding of motherhood in the Stolen Generations era.

## Feminism, race and motherhood

My analysis of the academic literature has highlighted that feminism has at times had a problematic theoretical relationship with motherhood, and the significance or otherwise of women's reproductive and caring roles remains an ongoing source of debate. Campaigns to promote the rights and interests of mothers are categorised as "maternalism" and tend to be dismissed as innately conservative and failing to redefine women's caring roles; the fact that many women define themselves through these caring roles and find deep satisfaction in them is more challenging for theorists to explain. If motherhood is indeed oppressive, at least in the form it currently takes under patriarchy, are these women complicit in their own oppression; or do we need a new feminist model that explains the sense of identity and fulfilment many women find in motherhood, while recognising its potential to be simultaneously mundane, isolating, laborious, unpaid, and under-recognised as a vital contribution to society?

Intersectional analyses have emphasised that not all mothers are the same; my research has discussed the relationship in Australia between the promotion of white motherhood and the denigration and active discouragement of Aboriginal motherhood during the Stolen Generations era.  The academic literature identifies motherhood as having a special status and standing in black communities, operating as a site of resistance and liberation for black women, and this has provided an important counterpoint to white constructions of black motherhood as deviant and deficient.  However, the extent to which the resultant portrait of the strong, culturally secure, hard-working and resilient black mother might in itself operate to oppress some black mothers - by creating an idealised standard that they see themselves failing to achieve - remains a question for further research.

My research has highlighted the very real impact of poverty, social disadvantage, racism and discrimination on Aboriginal motherhood in the Stolen Generations era, with the legacy of this history of disadvantage continuing to impact in manifest ways on Aboriginal families today.  The academic literature emphasises that welfare approaches tend to blame individual parents for their failings, and that governments and welfare agencies remain unwilling or unable to identify and address structural and systemic disadvantages arising from issues such as poverty and the social impact of racial discrimination.  Historically in the Stolen Generations era, I have identified how systemic barriers to motherhood such as legal inequalities, discrimination in access to family-based social security payments, the impact of mission policies requiring mothers to work and removing children to mission dormitories, and the heightened surveillance and supervision of Aboriginal families living on missions and reserves, all contributed significantly to Aboriginal child removal at this time.  I have argued that the deep impact of these structural issues on the ability of Aboriginal mothers to maintain the integrity of their families remains an under-acknowledged aspect of our understanding of the Stolen Generations era.

## Motherhood and human rights

My research highlights that motherhood has been conceptualised within the international human rights framework primarily as a special status in need of

protection rather than as a right. While children have the right "as far as possible" to know and be cared for by their families (Article 7, *Convention on the Rights of the Child*), there is no equivalent explicit "right to mother" protecting women's relationships of care for their children under international human rights law. Protection of women's reproductive choices (the right not to mother) is also notably absent from the international human rights framework. The lack of specific protection of the rights of women in relation to their mothering roles is of concern, as my research highlights that women's relationships of care for others do place them at times at increased risk of violation of their rights. In addition, women and girls may at times be the particular target of violations because of their reproductive capacity (potential maternity), or because of the role mothers play in transmitting cultural values to children.

The academic literature has identified that when mothers become involved in human rights campaigns and processes, it is often to protest against the violation of the rights of others rather than to defend their own rights. This is a form of behaviour that falls within what society defines as an appropriate role for mothers, who are expected to subsume their own needs and desires in those of people for whom they care, particularly their children.

Some inquiries investigating Indigenous child removal, such as the *Bringing Them Home* Inquiry in Australia and the Truth and Reconciliation Commission in Canada, have had a marked tendency to focus on the child victim rather than on other parties whose rights may have also been violated, such as parents, who are acknowledged in both of these processes as injured parties but who were not a major focus of investigation. An interesting exception to the trend to view child removal as primarily a violation of the rights of the child has been the Australian inquiries into forced adoption, where a previously stigmatised group of birth mothers has actively campaigned for recognition of forced adoption practices as a violation of their rights, in an attempt to redefine society's perception of them as "bad" or uncaring mothers who abandoned their children.

The limitations of human rights approaches, with their constrained definitions of who is a rights-holder and who has suffered a damage (Rubio-Marín 2006, p. 31), are highlighted by the case of the mothers of the Stolen Generations. The damage of the original violation has spread widely beyond the individuals removed and their parents to their extended families and wider communities, and has impacted across generations. This is challenging for a human rights inquiry, grounded in notions of individual rights and freedoms, to encompass.

## The legacy of the Stolen Generations on Aboriginal mothers

Bowlby defined one of the most important functions of the family as the passing on of parenting skills inter-generationally (Bowlby 1952, p. 69). The impact of being raised in institutional care or in abusive or unloving foster care relationships on Aboriginal people's capacity to develop close relationships as adults and to function effectively in family life was addressed in the *BTH* Report, which described this impacting inter-generationally in cycles of child removal occurring within Aboriginal families (HREOC 1997, p. 222). Although I have not had space within this thesis to address the many comments made by Aboriginal research participants who were removed as children about the ways in which their removal impacted upon their own parenting and other adult relationships, this is undoubtedly an important area for further research.

The high level of intervention by various missionaries, reserve managers and welfare agencies in Aboriginal families over decades has also left a legacy, undermining parental authority and de-skilling Aboriginal parents. My research has explored the impact of generations of interventions by white policy makers into Aboriginal families, to the detriment of these families. The transcripts of interviews with most white research participants who participated in various ways in the removal of Aboriginal children in the Stolen Generations era state their belief that they were acting in the best interests of these children within the options available to them at the time; which leads me to reflect on what we are doing in this area today that future generations may look back on and condemn.

### 'Sorry means you don't do it again': the impact on contemporary removals

In her exploration of state intervention into Indigenous families, Cripps reports the staggering rates of contemporary Indigenous child removal at ten times the rate of non-Indigenous children (based on 2010-2011 data), and questions "whether, as a consequence of intention, poor policy or misguided practice, we are creating another stolen generation" (Cripps 2012, p. 25).

Drawing parallels between historical Aboriginal child removal and contemporary removals due to juvenile justice mechanisms, Beresford & Omaji have also highlighted continuities between past and present child removal practices:

> Both systems undertook the removal of children while turning a blind eye to the underlying causes of Aboriginal social disadvantage, a disadvantage which has its historic roots in government policies towards Aboriginal people. (Beresford & Omaji 1998, p. 223)

Noting that Australian policy makers and child welfare practitioners have found it easier to remove Aboriginal children than to address the underlying social problems of Aboriginal communities, Beresford & Omaji argue that the removal of Aboriginal children "continues unabated" because "It is the convenient, politically acceptable way of dealing with the problems associated with extreme social disadvantage and racial marginalisation widely experienced by Aboriginal youth" (Beresford & Omaji 1998, p. 229). Cripps comments that "It is easy to blame the mother and/or the Indigenous community for the dysfunction that exists", while the role of the state in enabling the conditions of systemic poverty and neglect that many Aboriginal children live in is ignored (Cripps 2012, p. 31).

Today, community groups campaign to raise public awareness of the ongoing high levels of child removal that continue to impact on Aboriginal families. These campaigns call for child welfare agencies to take proactive steps to ensure Aboriginal children remain with their families. Grandmothers Against Removals (GMAR) continues to campaign against Indigenous child removal and to ensure

that welfare agencies comply with the Aboriginal Child Placement Principle.  A recent posting by GMAR stated:

> The continuing forced removal of children from their families is one of the biggest crises facing Aboriginal communities today. More children are being removed than at any time in Australia's history, with almost 16,000 Aboriginal kids in 'out of home care' on any given night.  More than half of these children have not been placed back with their Aboriginal family, despite the 'Aboriginal placement principle' being mandated by law in every State and Territory…. GMAR demands Aboriginal control of Aboriginal child welfare.  They want to see resources and opportunities provided to struggling families, rather than the punishment and trauma of forced removal. (GMAR 2016)

Commenting on the complicity of the state in justifying the disproportionate rates of removal of Indigenous children both in the past and today, Cripps highlights the need for welfare agencies to move away from pathologising individual parents and provide real and meaningful support for Indigenous families and communities, "with Indigenous partnership and collaboration at the core of all activities" (Cripps 2012, p. 31).  She emphasises the importance of a rights-based approach to the issue of child removal, one in which the legacy of the past is acknowledged:

> Acknowledging the past is fundamental to moving forward, as is treating mothers as citizens with rights and enabling them to utilise those rights to determine a safer future for themselves and for their children. (Cripps 2012, p. 32)

### Untold suffering: motherhood, silence and human rights processes

My research has focused on mothers' silence and speech in the wake of child removal, identifying the factors that inhibit mothers' speech as well as those that enable it.  The academic literature highlights that the silence of victims of human rights violations can be difficult to interpret, and can be the result of their exclusion from investigative processes or a conscious choice being made by a

victim or victims. Have the mothers of the Stolen Generations been silenced or have they chosen silence? The removal of Aboriginal children in Australia has been conceptualised under the term "the Stolen Generations", and I have identified how this construction of the violation has operated to silence some Aboriginal mothers, whose stories do not fit neatly within the dominant Stolen Generations narrative. The complex "choiceless choices" that were made by Aboriginal mothers mean that they are not readily categorisable as "blameless victims", their stories are "messy" and challenging to analyse, and require "deep listening" to hear. If their testimony is not actively sought in human rights processes, my research suggests that many mothers of removed children will remain silent, as they have much to lose but little of practical benefit to gain by speaking out.

While reasons for choosing silence can be complex, I have identified that there are factors which inhibit mothers from speaking about their experiences of human rights violations in the particular context of child removal. These include fears of the consequences of speaking about issues such as rape, incest and sexual abuse (particularly the impact of this on the children who are born as a result of these violations); the impact of self-blame, the blame of family members and the blame of society; and the need to protect fragile family relationships that are in the process of being re-built. Silence may also be the result of cultural observations, victims' rejection of human rights mechanisms, or their sense of hopelessness and despair, that speech is pointless and will only lead to further hurt. Speaking out, often unproblematically associated with healing in human rights processes, may be more difficult for some victims than others. If speech is indeed intrinsic to healing, as theorists such as Judith Herman argue (Herman 1992), how do we find a way to support mothers' speech, to provide a safe place where they can speak of their losses without the fear of judgement, and begin the process of rebuilding their lives?

## What are the circumstances that enable mothers to speak?

Can we identify the factors which enable mothers' speech? Some mothers who have spoken out in the aftermath of great tragedy, such as the Madres de la Plaza de Mayo, or other women who have spoken of their experiences of human rights

violation after long maintaining silence, such as the Korean "comfort women", have found a way to turn their individual experiences of immense loss and suffering into positive campaigns for human rights.  These examples highlight that the context within which speech about violations occurs is vital.  In the case of the Madres, the revered status of mothers in Argentine culture provided a platform from which the Madres could speak and be heard.  Korean women subjected to sexual slavery in World War Two chose to finally speak about their experiences due to a mix of personal motivations and the desire for apology; but perhaps the time had also arrived when the Korean community and the international community were ready to hear and acknowledge their stories.

It is not surprising that Aboriginal mothers, who did not even have the status of citizens in Australia, and whose capacity to love and care for their children was widely denigrated, responded to the removal of their children with grief and silence.  However, is the Australian community, who responded with an outpouring of sympathy to the plight of removed Aboriginal children after the publication of the *BTH* Report, truly ready even today to hear the stories of their mothers' experiences?  As my research has demonstrated, perceptions about neglectful Aboriginal mothers were essential to the practice of child removal in the Stolen Generations era, they were its rationale and justification.   Once you begin to question these perceptions, the whole edifice of Aboriginal child removal is revealed as racially discriminatory, undifferentiating in its impact, and inhumane. Fundamentally, I believe this is why some white people involved in child removals cannot let go of their negative perception of Aboriginal mothers and continue to insist that Aboriginal children were only ever removed for justifiable reasons, that all Aboriginal children benefited from their removal, and that their mothers were in any case neglectful, indifferent and "consented" to their removal.

American philosopher Richard Rorty has argued that we need to view racially intolerant people as "deprived", lacking in both security and sympathy (Rorty 1998, p. 124).  He called for a "sentimental education" that would enable us to recognise the humanity of people different from ourselves, to recognise that we share "similarities such as cherishing our parents and our children" (Rorty 1998, p.

125).  There is a need for "long, sad, sentimental stories" that build empathy between people, Rorty argued, as we can be "moved to action by sad and sentimental stories" (Rorty 1998, p. 126); this shared empathy rather than rational arguments about equality was what he believed would ultimately build support for human rights.  While Aboriginal mothers have been unwilling or unable to speak about their experiences of child removal for a range of reasons, if Rorty's analysis is correct these untold stories are in fact essential for the wider community's recognition and understanding of the pain and loss experienced by Aboriginal mothers; to understand "If they put themselves in that position….how would they feel?" (Female, Vic, NLA TRC 5000/283, p. 33).  There is a need to respond to tales of loss and suffering with empathy and understanding, rather than judgement and criticism, if we truly wish to "hear" mothers' experiences of human rights violations.

## Healing the past

Is it possible to find a way to heal the wounds of the past for Aboriginal women whose right to mother has been violated?

Alice Nannup's autobiography, *When the Pelican Laughed,* captures her bittersweet experience of returning home after an absence of forty-two years:

> It was hard to cope with the way I was feeling.  I felt cheated, like deprived of so much, but there was nothing I could do about it now.  It had all been out of my control, and there's no turning back the clock, it had all gone, and I was too late….Uncle Paddy had this big long stick, and he was hitting it on the ground and crying as he spoke to me.  He said, 'This is the only one girl that went away and come back.  Mobs of girls been away from here, and they never come back yet.  We are proud of you, proud you've come back.'
> (Nannup, Marsh & Kinnane 1992, p. 209)

This quote captures the bitterness of homecoming, with losses that cannot be repaired; but also the resilience of family and community, who rejoice in the return of their stolen children.  Words cannot repair the harm that has been suffered; and

sometimes words are not necessary anyway:

> I never spoke much about what had happened to me after I left with the
> Campbells.  It was enough for me, and for them, that I'd finally been able to
> come back. (Nannup, Marsh & Kinnane 1992, p. 211)

When asked what would be an appropriate response to her removal, one research
participant provided the beautiful image of the shared tears of her mother and the
Prime Minister mingling and falling onto her mother's country, and I would like to
end with her words:

> I think if the Prime Minister or his delegate could go to [my place of birth]
> and sit down with my mother, on the ground, let him weep with her, let the
> tears fall on the ground, and that would be an appropriate way to say sorry
> to my mother. (Female, WA, TRC 5000/278, p. 100)

# Appendices

## Appendix 1: The UN Human Rights Framework – an overview of rights relating to motherhood

References to motherhood and the family within the UN framework include:

***Universal Declaration of Human Rights –***
Article 16 (1) – the right to marry and "to found a family."

Article 16 (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 25 (2) Motherhood and childhood are entitled to special care and assistance.

***International Covenant on Civil and Political Rights***
Article 17

> (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

Article 23

> (1) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

> (2) The right of men and women of marriageable age to marry and to found a family shall be recognized.

***International Covenant on Economic, Social and Cultural Rights***
Article 10 – protection of the family –

> 1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

> 2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

***Convention on the Elimination of All Forms of Discrimination Against Women***
Preamble

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole...

Article 5 (b)

To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 9 (2)

States Parties shall grant women equal rights with men with respect to the nationality of their children.

Article 11 (2)

In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, State Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissal on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

Article 12

1. State Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure,

on a basis of equality of men and women, access to health care services, including those related to family planning.

2. ...State Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period....as well as adequate nutrition to women during pregnancy and lactation.

Article 13

(a) The elimination of discrimination against women in access to family benefits.

Article 16

1. The elimination of discrimination against women "in all matters relating to marriage and family relations", and the equality of men and women with regard to the following:

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount."

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount.

2. Safeguards against child marriage.

***Convention on the Prevention and Punishment of the Crime of Genocide***
Article II, defining genocide as "any of the following acts committed to destroy, in whole or in part, a national, ethnical, racial or religious group
(d) Imposing measures intended to prevent births within the group
(e) forcibly transferring children of the group to another group.

***Convention on the Elimination of All Forms of Racial Discrimination***
Interestingly, no clauses about children or the rights of parents.

***Convention on the Rights of the Child***
Preamble

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the

community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 7 refers to the child having "as far as possible, the right to know and be cared for by his or her parents."

Article 8[19]

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection with a view to speedily re-establishing his or her identify.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

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[19] This article was the result of ongoing lobbying by the Argentinian *Abuelas* (Arditti 1999, p. 137)

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 27, in terms of the right to an adequate standard of living –

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the

conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

## *Declaration on the Rights of Indigenous Peoples*
Preamble -

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child…

Article 7 – the right of Indigenous people to live in freedom from genocide, "including forcibly removing children of the group to another group."

Article 8 – States to prevent and provide redress for "Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights".

## *Declaration on the Protection of All Persons from Enforced Disappearance*

Article 20

(1) States shall prevent and suppress the abduction of children of parents subjected to enforced disappearance and of children born during their mother's enforced disappearance, and shall devote their efforts to the search for and identification of such children and to the restitution of the children to their families of origin.

(3) The abduction of children of parents subjected to enforced disappearance or of children born during their mother's enforced disappearance, and the act of altering or suppressing documents attesting to their true identity, shall constitute an extremely serious offence, which shall be punished as such.

**International Human Rights Conventions that Australia is a signatory to**[20]

| CONVENTION | YEAR OF ACCESSION[21] | YEAR OF SIGNATURE | YEAR OF RATIFICATION |
|---|---|---|---|
| *Convention on the Prevention and Punishment of the Crime of Genocide*, 1948 | | 1948 | 1949 |
| *International Covenant on Civil and Political Rights* (ICCPR), 1966 | | 1972 | 1980 |
| *Optional Protocol to the ICCPR (Communications from Individuals)*, 1966 | 1991 | - | - |
| *Second Optional Protocol to the ICCPR, Aiming at the Abolition of the Death Penalty*, 1989 | 1990 | - | - |
| *International Covenant on Economic, Social and Cultural Rights* (ICESCR), 1966 | | 1972 | 1975 |
| *Convention on the Rights of the Child* (CRC), 1989 | | 1990 | 1990 |
| *Optional Protocol to the CRC on the involvement of Children in Armed Conflict*, 2000 | | 2002 | 2006 |
| *Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography*, 2000 | | 2001 | 2007 |
| *Convention Against Torture and other Cruel, Inhuman or Degrading Treatment* (CAT), 1984 | | 1985 | 1989 |
| *Optional Protocol to the CAT*, 2002 | | 2009 | NOT YET RATIFIED |
| *Convention on the Elimination of all forms of Racial Discrimination* (CERD), 1966 | | 1966 | 1975 |
| *Convention on the Elimination of all forms of Discrimination Against Women* (CEDAW) 1979 | | 1980 | 1983 |
| Optional Protocol to CEDAW (Communications and Inquiry Procedures), 1999 | 2008 | - | - |
| Convention on the Rights of Persons with Disabilities (CRPD), 2006 | | 2007 | 2008 |
| Optional Protocol to the CRPD, 2006 | 2009 | - | - |

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[20] Information on this table was compiled based on information drawn from the UN Treaty Collection (UN undated).

[21] Accession is an act by which a state agrees to be legally bound by the terms of a treaty. It has the same legal effect as ratification, but is not preceded by a state becoming a signatory to the treaty (UNICEF undated).

## Appendix 2: Tables summarising research participants

**Table 1: Overview of Research participants**

| CATEGORY | NUMBER | ATSI | | SEX | | STATE | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Y | N | M | F | ACT | NSW | NT | QLD | SA | TAS | VIC | WA |
| Mothers who experienced child removal | 9 | 9 | 0 | 0 | 9 (100%) | | 2 (22.2%) | | 4 (44.4%) | 1 (11%) | | | 2 (22.2%) |
| People removed as children | 101 | 101 | 0 | 40 (40%) | 61 (60%) | | 21 (20.7%) | 20 (19.8%) | 21 (20.7%) | 13 (13%) | 2 (2%) | 4 (4%) | 20 (19.8%) |
| People involved in removal process[*] | 16 | 2 | 14 | 8 (50%) | 8 (50%) | 1 | 1 | 4 | 1 | 4 | 0 | 3 | 2 |
| People working in community organisations[**] | 5 | 3 | 2 | 1 (20%) | 4 (80%) | | 5 (100%) | | | | | | |
| Other | 8 | 8 | 0 | 3 (38%) | 5 (62%) | | 4 | 1 | | 2 | | 1 | |
| **TOTAL** | **139** | **123 (89%)** | **16 (11%)** | **52 (37%)** | **87 (63%)** | **1 (0.7%)** | **33 (23.9%)** | **25 (18.1%)** | **26 (18.8%)** | **20 (14.5%)** | **2 (1.5%)** | **8 (5.8%)** | **24 (16.7%)** |

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[*] Includes two interviewees who are also included in the category of people who were removed as children

[**] Three interviewees in this category are also included in the category of people who were removed as children

**Table 2: Research participants: mothers who experienced child removal**

| RACIAL BACKGROUND OF RESEARCH PARTICIPANT'S PARENTS | | | STATE | NO. OF CHILDREN REMOVED | YEAR OF REMOVAL | SINGLE PARENT WHEN CHILDREN REMOVED? | THEMSELVES REMOVED AS A CHILD? | WHERE CHILD/REN WERE REMOVED TO? | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| ATSI | Non-ATSI | Not ID | | | | | | Institution | Fostered | Adopted | Other relative* |
| M F | | | QLD | 2 of 5 children | 1960s | Single parent | No – but raised by grandparents due to mother's work commitments | | 2 | | |
| M | F | | WA | 6 of 7 children are removed | 1964-1966 | Single parent | Yes | 1 | 4 | 1 | |
| M | F | | QLD | 3 | 1950s | Dual parent | Yes | 3 | | | |
| M F | | | NSW | 2 | Year not specified | Single parent | Yes | | 2 | | |
| M F | | | QLD | 1 of 2 children | 1971 | Single parent | Yes | | | 1 | |
| M F** | | | WA | 1 of 2 children. | 1974 | Single parent | Yes | | | 1 | |

* The category "Other relative" in this table refers to children who were raised by their white father after their mother lost custody of them after the breakdown of her relationship with the children's father.

** Did not know father but believes him to be Aboriginal.

**Table 2 (cont).**

| RACIAL BACKGROUND OF RESEARCH PARTICIPANT'S PARENTS | | | STATE | NO. OF CHILDREN REMOVED | YEAR OF REMOVAL | SINGLE PARENT WHEN CHILDREN REMOVED? | THEMSELVES REMOVED AS A CHILD? | WHERE CHILD/REN WERE REMOVED TO? | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| ATSI | Non-ATSI | Not ID | | | | | | Institution | Fostered | Adopted | Other relative* |
| M | | F | NSW | 2 of 4 children | Year not specified | Single parent | Yes | | | | 2 |
| M F | | | SA | 4 of 7 children removed | Year not specified | Dual parent when first two children are removed; single parent when next two children are removed | Yes | 2 | 2 | | |
| M | F | | QLD | 3 | Year not specified | Dual parent | Yes | 3 | | | |

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* The category "Other relative" in this table refers to children who were raised by their white father after their mother lost custody of them after the breakdown of her relationship with the children's father.

**Table 3: State Profiles, female research participants removed as children**

| STATE | AGE AT REMOVAL | | | | DECADE OF REMOVAL | | | | | | | | WHERE REMOVED TO | | | | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | <5 | 5-11 | 12+ | No info. | 1910s | 1920s | 1930s | 1940s | 1950s | 1960s | 1970s | No. info. | Institution | Fostered | Adopted | Other* | |
| NSW | 10 | 4 | | | | 1 | 2 | 3 | 7 | | 1 | | 6 | 1 | 5 | 2 | 14 |
| NT | 3 | 7 | 2 | | 1 | | | 5 | 4 | 1 | | 1 | 11 | | | 1 | 12 |
| QLD | 3 | 8 | 1 | | | 1 | 7 | | 1 | | 3 | | 10 | 1 | 1 | | 12 |
| SA | 7 | 2 | 1 | 1 | | | 1 | 5 | 2 | 3 | | | 7 | 2 | 1 | 1 | 11 |
| TAS | 2 | | | | | | | | 1 | 1 | | | | 2 | | | 2 |
| VIC | 1 | 2 | | | | | | | 2 | 1 | | | 2 | | 1 | | 3 |
| WA | 4 | 3 | | | | | | 6 | 1 | | | | 7 | | | | 7 |
| **TOTAL** | **30** | **26** | **4** | **1** | **1** | **2** | **10** | **19** | **18** | **6** | **4** | **1** | **33** | **5** | **7** | **4** | **61** |

**Table 4: State Profiles, male research participants removed as children**

| STATE | AGE AT REMOVAL | | | | DECADE OF REMOVAL | | | | | | | | WHERE REMOVED TO | | | | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | <5 | 5-11 | 12+ | No info. | 1910s | 1920s | 1930s | 1940s | 1950s | 1960s | 1970s | No info. | Institution | Fostered | Adopted | Other | |
| NSW | 2 | 4 | | 1 | | | | 4 | 1 | 2 | | | 6 | 1 | | | 7 |
| NT | 7 | 1 | | | 1 | | 2 | 2 | 2 | 1 | | | 8 | | | | 8 |
| QLD | 3 | 2 | | 4 | | 1 | 3 | | 1 | 1 | | 3 | 5 | 3 | 1 | | 9 |
| SA | 2 | | | | | 1 | | | 1 | | | | 1 | | | 1 | 2 |
| TAS | | | | | | | | | | | | | | | | | 0 |
| VIC | 1 | | | | | | | | | 1 | | | | | 1 | | 1 |
| WA | 8 | 3 | | 2 | 1 | | 3 | 5 | 2 | 1 | | 1 | 9 | 1 | 2 | 1 | 13 |
| **TOTAL** | **23** | **10** | **0** | **7** | **2** | **2** | **8** | **11** | **7** | **6** | **0** | **4** | **29** | **5** | **4** | **2** | **40** |

* The category "Other" includes boarding schools, hospitals, and cases where children were moved multiple times between different care arrangements.

**Table 5: Where research participants were removed to, by state, decade of removal and sex**

| DECADE OF REMOVAL | STATE | | WHERE REMOVED TO | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | NSW | | Institution | | Fostered | | Adopted | | Other | |
| | M | F | M | F | M | F | M | F | M | F |
| 1910s | | | | | | | | | | |
| 1920s | | 1 | | 1 | | | | | | |
| 1930s | | 2 | | 2 | | | | | | |
| 1940s | 4 | 3 | 4 | 2 | | | | 1 | | |
| 1950s | 1 | 6 | 1 | 1 | | 1 | | 4 | | |
| 1960s | 2 | | 1 | | 1 | | | | | |
| 1970s | | 1 | | | | | | | | 1 |
| Not specified | | 1 | | | | | | | | 1 |
| TOTAL | 7 | 14 | 6 | 6 | 1 | 1 | | 5 | | 2 |
| | NT | | Institution | | Fostered | | Adopted | | Other | |
| | M | F | M | F | M | F | M | F | M | F |
| 1910s | 1 | 1 | 1 | 1 | | | | | | |
| 1920s | | | | | | | | | | |
| 1930s | 2 | | 2 | | | | | | | |
| 1940s | 2 | 5 | 2 | 5 | | | | | | |
| 1950s | 2 | 4 | 2 | 4 | | | | | | |
| 1960s | 1 | 1 | 1 | | | | | | | 1 |
| 1970s | | | | | | | | | | |
| Not specified | | 1 | | 1 | | | | | | |
| TOTAL | 8 | 12 | 8 | 11 | | | | | | 1 |

| DECADE OF REMOVAL | STATE | | WHERE REMOVED TO | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | QLD | | Institution | | Fostered | | Adopted | | Other | |
| | M | F | M | F | M | F | M | F | M | F |
| 1910s | | | | | | | | | | |
| 1920s | 1 | 1 | 1 | 1 | | | | | | |
| 1930s | 3 | 7 | 2 | 7 | 1 | | | | | |
| 1940s | | | | | | | | | | |
| 1950s | 1 | 1 | 1 | 1 | | | | | | |
| 1960s | 1 | | | | | | 1 | | | |
| 1970s | | 3 | | 1 | | 1 | | 1 | | |
| Not specified | 3 | | 1 | | 2 | | | | | |
| **TOTAL** | **9** | **12** | **5** | **10** | **3** | **1** | **1** | **1** | | |
| | SA | | Institution | | Fostered | | Adopted | | Other | |
| | M | F | M | F | M | F | M | F | M | F |
| 1910s | | | | | | | | | | |
| 1920s | 1 | | 1 | | | | | | | |
| 1930s | | 1 | | 1 | | | | | | |
| 1940s | | 5 | | 4 | | 1 | | | | |
| 1950s | 1 | 2 | | 2 | | | | | 1 | |
| 1960s | | 3 | | | | 1 | | 1 | | 1 |
| 1970s | | | | | | | | | | |
| Not specified | | | | | | | | | | |
| **TOTAL** | **2** | **11** | **1** | **7** | | **2** | | **1** | **1** | **1** |

| DECADE OF REMOVAL | STATE | | WHERE REMOVED TO | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | TAS | | Institution | | Fostered | | Adopted | | Other | |
| | M | F | M | F | M | F | M | F | M | F |
| 1910s | | | | | | | | | | |
| 1920s | | | | | | | | | | |
| 1930s | | | | | | | | | | |
| 1940s | | | | | | | | | | |
| 1950s | | 1 | | | | 1 | | | | |
| 1960s | | 1 | | | | 1 | | | | |
| 1970s | | | | | | | | | | |
| Not specified | | | | | | | | | | |
| **TOTAL** | | **2** | | | | **2** | | | | |
| | VIC | | Institution | | Fostered | | Adopted | | Other | |
| | M | F | M | F | M | F | M | F | M | F |
| 1910s | | | | | | | | | | |
| 1920s | | | | | | | | | | |
| 1930s | | | | | | | | | | |
| 1940s | | | | | | | | | | |
| 1950s | | 2 | | 1 | | | | 1 | | |
| 1960s | 1 | 1 | | 1 | | | 1 | | | |
| 1970s | | | | | | | | | | |
| Not specified | | | | | | | | | | |
| **TOTAL** | **1** | **3** | | **2** | | | **1** | **1** | | |

| DECADE OF REMOVAL | STATE | | WHERE REMOVED TO | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | WA | | Institution | | Fostered | | Adopted | | Other | |
| | M | F | M | F | M | F | M | F | M | F |
| 1910s | 1 | | 1 | | | | | | | |
| 1920s | | | | | | | | | | |
| 1930s | 3 | | 3 | | | | | | | |
| 1940s | 5 | 6 | 4 | 6 | 1 | | | | | |
| 1950s | 2 | | 1 | | | | 1 | | | |
| 1960s | 1 | | | | | | | | 1 | |
| 1970s | | | | | | | | | | |
| Not specified | 1 | 1 | | 1 | | | 1 | | | |
| **TOTAL** | **13** | **7** | **9** | **7\*** | **1** | | **2** | | **1** | |

**Table 6: Parental status of removed children at time of removal**

| MARRIED / DE FACTO | SINGLE PARENT FAMILY | ORPHANED | NOT IDENTIFIED / UNKNOWN |
|---|---|---|---|
| 31 (31%) | 55 (54%) | 7 (7%) | 8 (8%) |

**Table 7: Racial identification of parents of removed children**

| Both parents identified as ATSI | Mother identified as ATSI, father identified as non-ATSI | Mother identified as ATSI, father unknown or not identified | Father identified as ATSI, mother identified as white |
|---|---|---|---|
| 25 (25%) | 36 (36%) | 38 (37%) | 2 (2%) |

**Table 8: Research participants' perception of the primary reason for their removal, by state and gender:**

| STATE | Death or illness of parent | | Parent/s' work means they are living away from home and unable to care for their child/ren | | Divorce or separation of parents leads to removal | | "Half-caste" children are removed | | Parent/s charged with neglect or deemed unfit to care for their children | | Lack of family support for keeping child | | Living on a mission and removed to a mission dormitory | | Removed to receive an education or for medical treatment | | Single parent unable to support a child | | Parent/s arrange fostering or adoption with relatives or others, or place child in an institution | | Reasons for removal are not known | | Parents do not have custody rights | | Not specified | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F |
| NSW | 2 | 2 | | | 2 | 1 | | | | 4 | | 1 | | | | 1 | | 1 | 1 | 2 | 1 | 1 | | | 1 | |
| NT | 2 | 1 | | 1 | 1 | | 3 | 8 | | | | | 1 | | | 1 | | 1 | | | | 1 | | | 1 | |
| QLD | 2 | 2 | 1 | 2 | 1 | 3 | | 1 | 1 | 1 | | | 2 | 3 | | | | | 1 | 1 | | | 1 | | | |
| SA | 1 | 3 | | 2 | | 1 | | | | 2 | | | | | | 2 | 1 | | | | | | | | | |
| TAS | | | | | | | | 1 | | | | | | | | | | | | | | | 1 | | | |
| VIC | | 1 | | | 1 | | | | | 2 | | | | | | | | | | | | | | | | |
| WA | 3 | 2 | 1 | | | | 2 | 3 | 2 | | | | | | 1 | 1 | | | 1 | | 2 | 1 | | | 1 | |
| TOTAL: | 10 | 11 | 2 | 5 | 5 | 6 | 5 | 12 | 3 | 9 | 0 | 1 | 3 | 5 | 2 | 3 | 0 | 2 | 3 | 3 | 3 | 4 | 1 | 0 | 3 | 0 |

## Appendix 3: Aboriginal 'protection' legislation clauses impacting on Aboriginal parents

| STATE | ACT | YEAR | CLAUSE |
|---|---|---|---|
| ACT | | 1909-1954 | NSW legislation applied to the ACT prior to 1954 – refer NSW section of table below. |
| | *Aborigines Welfare Ordinance* | 1954 | 2. *NSW Aborigines Protection Act* 1909 no longer to apply to the ACT.<br>5. (1) (e) Authorises the Minister "on the application of a parent or guardian of a child admit the child to his control and provide for the maintenance, education and training of the child."<br>11. (1) Where it appears to the Minister to be in the best interests of an aboriginal or the wife or the children of an aboriginal, the Minister may direct an employer of the aboriginal to pay the wages of the aboriginal to a person authorized in writing by the Minister. |
| NSW | *Aborigines Protection Act* | 1909 | 16 (1) Requirement for near relatives to pay maintenance for Aboriginal children aged 5-16 years.<br>(c) If the child is illegitimate, no maintenance order shall be made against the alleged father "upon the evidence of the mother, unless her evidence be corroborated in some material particular". |
| | *Aborigines Protection Amending Act* | 1915 | 13A. The Board may assume full control and custody of the child of any aborigine, if after due inquiry it is satisfied that such a course is in the interest of the moral or physical welfare of such child.<br>The Board may thereupon remove such child to such control and care as it thinks best.<br>The parents of any such child so removed may appeal against any such action on the part of the Board to a Court as defined in the Neglected Children and Juvenile Offenders Act, 1905, in a manner to be prescribed by regulations.[22] |

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[22] The Neglected Children and Juvenile Offenders Act, 1905 stipulated that an appeal may be lodged on the decisions of the court to the Supreme Court or District Court "by a child or by a parent on behalf and in the name of his child under Part V of the Justices Act, 1902." Under this act appeals could only be made on a ground involving a question of law, or due to claims that there was insufficient evidence to support the original conviction, order or sentence.

| | | Aborigines Protection (Amendment) Act | 1936 | Section 13 amended by adding clause (2) making it an offence to take away a child from any school, home, or institution without the consent of the Board, irrespective of the consent of the child. |
|---|---|---|---|---|
| | | Aborigines Protection (Amendment) Act | 1940 | Section 7 (2) "The board may on the application of the parent or guardian of any child admit such child to the control of the board."<br>13. (1) Any person attempting to communicate with wards without the consent of the board, or to enter any Home "shall be guilty of an offence against this Act".<br>13A. (5) and (6) – introduces the requirement for a court process for children apprehended as or charged with being neglected or uncontrollable. |
| | | Aborigines Protection (Amendment) Act | 1943 | 11D. (1) (c) Board authorised to make payments to foster parents. |
| | | Aborigines Act | 1969 | Repealed the Aborigines Protection Act 1909. |
| NT | | | 1863-1911 | South Australian legislation applied to the Northern Territory from 1863-1911 – refer South Australian section of table below. |
| | | Northern Territory Aboriginals Act | 1910 | 6. (4) Duty of the Northern Territory Aboriginals Department to "provide, when possible, for the custody, maintenance and education of the children of aboriginals."<br>9. (1) "The Chief Protector shall be the legal guardian of every aboriginal and half-caste child, notwithstanding that child has a parent or other relative living, until such child attains the age of eighteen years"<br>(2) Every Protector shall, within his district, be the local guardian of every such child within his district.<br>16. (1) The Chief Protector may cause any aboriginal or half-caste to be kept within the boundaries of any reserve or aboriginal institution<br>(2) Any aboriginal or half-caste who refuses to be so removed, or resists such removal…shall be guilty of an offence against this Act."<br>19. Removal of aboriginals from a reserve or aboriginal institution is an offence under the Act.<br>22. Intermarriage of Aboriginal females with non-Aboriginal males subject to written permission of the Protector. |

| | | | |
|---|---|---|---|
| | *Northern Territory Aboriginals Act* (cont.) | | 47. Maintenance of half-caste children (2) "Provided that no person shall be taken to be the father of such child unless the evidence of the mother be corroborated in some material particular."<br>49. (1) (b) "Regulations may be made prescribing for the care, custody, and education of the children of aboriginals and half-castes<br>(c) Enabling any aboriginal or half-caste child to be sent to and detained in an aboriginal institution or industrial school<br>(e) Prescribing the conditions on which aboriginal or half-caste children may be apprenticed to or placed in service with suitable people."<br>51. Obstruction of officers executed their powers under the Act is unlawful. |
| | *Aboriginals Ordinance* | 1911 | 3. (1) "..the Chief Protector shall be entitled at any time to undertake the care, custody, or control of any aboriginal or half-caste if in his opinion it is necessary or desirable in the interests of the aboriginal or half-caste for him to do so." |
| | *Aboriginals Ordinance* | 1918 | 5. (d) Duty of the Protector "to provide, when possible, for the care, custody, and education of the children of aboriginals."<br>6. (1.) "The Chief Protector shall be entitled at any time to undertake the care, custody, or control of any aboriginal or half-caste, if in his opinion it is necessary or desirable in the interests of the aboriginal or half-caste for him to do so, and for that purpose may enter any premises where the aboriginal or half-caste is or is supposed to be, and may take him into his custody."<br>7. (1.) The Chief Protector shall be the legal guardian of every aboriginal and of every half-caste child, notwithstanding that the child has a parent or other relative living, until the child attains the age of eighteen years, except while that child is a State child...<br>(2) Every Protector shall, within his district, be the local guardian of every such child within his district, and as such shall have and may exercise such powers and duties as are prescribed."<br>13. (1.) The Administrator empowered to "declare any mission station, reformatory, orphanage, school, home or other institution established by private contributions to be an aboriginal institution for the maintenance, custody, and care of aboriginal and half-caste children..."<br>(6.) "Every aboriginal and half-caste child for the time being an inmate of any aboriginal institution shall be under the control and supervision of the Superintendent." |

| | *Aboriginals Ordinance* (cont.) | | 15. (1.) Protector authorised to remove any aboriginal, any half-caste female, or any half-caste male under the age of eighteen years, between districts, reserves, institutions or even inter-state. <br> 20. Causing, assisting, enticing or persuading an aboriginal to leave a reserve or institution is an offence against the Ordinance <br> 44. (2.) Contributions to maintenance of half-caste children "Provided that no person shall be taken to be the father of the child unless the evidence of the mother is corroborated in some material particular." <br> 53. (1.) Consorting with a female aboriginal or half-caste an offence. <br> 54. Offence to hinder or obstruct or refuse assistance to officers executing any power or duty of the Ordinance. <br> 67. (1.) (b) Regulations may be made "providing for the care, custody, and education of the children of aboriginals and half-castes; <br> (c) Enabling any aboriginal or half-caste child to be sent to and detained in an aboriginal institution or industrial school; <br> (d) providing for the control, care and education of aboriginals or half-castes in aboriginal institutions and for the supervision of such institutions;... <br> (f) prescribing the conditions on which aboriginal and half-caste children may be apprenticed to or placed in service with suitable people." <br> 68. 1910 Aboriginals Act and 1911 Aboriginals Ordinance repealed. |
|---|---|---|---|
| | *Aboriginals Ordinance* | 1953 | 3. (c) Terminology "half-caste" removed from the Ordinance and subsumed within definition of "aboriginals". <br> 7. "The Director is the legal guardian of all aboriginals." i.e. not just children |
| | *Welfare Ordinance* | 1953 | 17. (1.) Introduces the requirement for written authorisation from the Administrator to be provided to the Director for the removal of a ward under the age of fourteen years from his parents. <br> 24. (1.) The Director is the guardian of wards "as if that ward were an infant" except under specified circumstances. <br> 30. (1.) Establishment of a Tribunal to which people can appeal against being classified as wards.[23] |

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[23] This is the first sign a changing approach with judicial review of the judgements being made in relation to Aboriginal people.

| | | | |
|---|---|---|---|
| | *Welfare Ordinance* (cont.) | | 32. (2.) Grounds for appealing status as a ward are that regard to a person's manner of living, and ability without assistance to manage their own affairs, their standard of social habit and behaviour and their personal associations, they do not "stand in need of the special care and assistance provided for under this Ordinance." |
| QLD | *Aboriginal Protection and Restriction of the Sale of Opium Act* | 1897 | 31. (7) Providing for the transfer of any half-caste child, being an orphan, or deserted by its parents, to an orphanage. |
| | *Aboriginal Protection and Restriction of the Sale of Opium Amendment Act* | 1934 | 10 (b) Half-caste children living with and supported by a parent who is not subject to the Act are exempted from summary removal to reserves or institutions. |
| | *Aboriginals Preservation and Protection Act* | 1939 | 12. (7) Authorises provision for the care, custody and education of the children of Aboriginals<br>17. (1) In all cases where any child whose mother is an aboriginal, and whose age does not exceed sixteen years, is being maintained at the cost of the State or the mother of the child, the father of such child shall, according to his ability, pay or contribute to the support of such child while it continues to be so maintained.<br>(2) "…no man shall be taken to be the father of any such child which is illegitimate upon the oath of the mother only."<br>18. (1) "The Director shall be the legal guardian of every aboriginal child in the State while such child is under the age of twenty-one years, notwithstanding that any parent or relative of the child is still living, and may exercise all or any powers of a guardian where in his opinion the parents or relatives are not exercising their own powers in the interests of the child."<br>(3) Notwithstanding anything contained in *The Adoption of Children Act 1935*, the Director may execute agreements for the legal custody of aboriginal children to aboriginal or other person who are deemed suitable to be given legal custody of such children.<br>37. (d) Resisting, assaulting or obstructing a protector or any other officer exercising his powers under the Act is an offence. |

| | | | |
|---|---|---|---|
| | *Torres Strait Islanders Act* | 1939 | 21. Specified clauses of the Aboriginals Preservation and Protection Act 1939 are deemed to apply to Torres Strait Islanders – including the provisions relating to the maintenance of children (see s. 17 of the 1939 Act above), and the appointment of the Director of Native Affairs as the legal guardian of all Torres Strait Islander children (see clause 18.1 above). |
| | *Aboriginal and Torres Strait Islander Affairs Act* | 1965 | 8. (1) (b) and (c) defines categories of "assisted Aborigines" and stipulates that any children born to assisted Aborigines are also subsumed within this category; (e) the Director can declare a child born by or to an assisted Aborigine to be an assisted Aborigine.<br>8 (2) (a) (b) and (c) defines categories of "assisted Islanders; (e) the Director can declare a child born to an assisted Islander to be an assisted Islander.<br>60. (13) Authority to make regulations for the care of children of assisted Aborigines or assisted Islanders other than such children who are in the care, protection and control of the Director of the State Children Department.<br>(14) Authority to make regulations for the employment and apprenticeship of children of assisted Aborigines or assisted Islanders. |
| SA | *An Ordinance for the Protection, Maintenance and Upbringing of Orphans and other Destitute Children and Aborigines Act* | 1844 | Provisions for the binding apprenticeship of "any half-caste or other Aboriginal child"; requires the consent of either of the parents "if living and within the Province, but if otherwise, then without such consent."<br>V. The Protector of Aborigines appointed the legal guardian "of every half-caste and other unprotected Aboriginal child, whose parents are dead or unknown, or either of whose parents may signify before a Magistrate his or her willingness in this behalf." |
| | *Aborigines Act* | 1911 | 10. (1) The Chief Protector shall be the legal guardian of every aboriginal and every half-caste child, notwithstanding that any such child has a parent or other relative living, until such child attains the age of twenty-one years, except whilst such child is a State child.<br>(2) Every Protector shall, within his district, be the local guardian of every such child within his district.<br>36. Relating to maintenance payments. Again, in (2), "no person shall be taken to be the father of such child unless the evidence of the mother be corroborated in some material particular."<br>38. (b) Authority to make regulations for the care, custody and education of "the children of aboriginals and half-castes." (c) Enables detention of Aboriginal children in institutions; (d) regulations may be made for "the control, care and education of aboriginals or half-castes in aboriginal institutions"; (e) prescribes conditions of apprenticeship and placement in service |

| | *Aborigines (Training of Children) Act* | 1923 | 6. (1) Chief Protector authorised to commit any Aboriginal child to any institution until the child attains the age of 18 years (may be 21 years for females under 7 (2)). |
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| | *Aborigines Act* | 1934 | 10. (1) The Chief Protector shall be the legal guardian of every aboriginal and every half-caste child, notwithstanding that any such child has a parent or other relative living, until such child attains the age of twenty-one years, except where such child is a State Child. <br> 36. Maintenance of half-caste children (2) Maintenance payments may be ordered "if the paternity of the defendant and his ability to contribute to the support of the child are proved to the satisfaction of the court...Provided that no person shall be taken to be the father of such child unless the evidence of the mother be corroborated in some material particular." <br> 38. Authorises the detention of any aboriginal child to any institution. <br> 40. Age limit – the training and control provisions are limited in their application to "legitimate" Aboriginal children aged 14 and over, and "illegitimate" Aboriginal children of any age who are deemed to be neglected or otherwise deemed to be appropriate people to be dealt with under the Act. <br> 42. Regulations may be made (ii) providing for the care, custody and education of the children of aboriginals and half-castes; (iii) enabling any aboriginal or half-caste child to be sent to and detained in an aboriginal institution or industrial school; (v) prescribing conditions of apprenticeship or placement in service |
| | *Aborigines Act Amendment Act* | 1939 | 21. Removing an Aborigine from an Aboriginal institution is an offence under the Act. <br> 34a. Non-Aboriginal people consorting with a female Aborigine is an offence under the Act. <br> 36. Maintenance of Aboriginal children (1) Father to contribute towards maintenance of Aboriginal children who are not "full-blood" (2) "Provided that no person shall be taken to be the father of such child unless the evidence of the mother be corroborated in some material particular." (3) <br> 38. (1) Approval of Children's Welfare and Relief Board required for committal of Aboriginal children to institutions; children can be detained till aged 18 years, or for females age 21 years. <br> 40. (2) "The parent of every child to whom this section applies who fails to cause the child to attend at a school on each occasion when the school is open for instruction shall be guilty of an offence against this Act and liable to a penalty" <br> 43. Obstructing officers in their execution of the powers and duties of the Act is an offence |

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| | *Aboriginal Affairs Act* | 1962 | Repeal of the 1934 and 1939 Acts, the newly established Aboriginal Affairs Board is now longer the legal guardian of Aboriginal children.<br>20. Change of wording – now talking about Aboriginal people agreeing to enter and remain within institutions; however leaving the institution before completion of training under (3) is still an offence under this Act. (4) Consent of governing body of the institution required to keep or remove an Aboriginal person from an institution.<br>31. Obstructing officers is still an offence.<br>Previous regulations are repealed but 40. (1) iv – vi still authorising the making of regulations for the care, maintenance and education of Aboriginal children, the care of Aboriginal people in Aboriginal institutions, and prescriptions on the apprenticeship or placement in service of Aboriginal children.<br>Amended by the Aboriginal Affairs Act Amendment Act 1966/7 (established Reserve councils) and 1968 (abolished Register of Aboriginal people).<br>Repealed by the Community Welfare Act 1972. |
| Tas | - | | No specific legislation targeting Aboriginal people; Aboriginal children in Tasmania were removed under general "child welfare" legislation. |
| Vic | *Aboriginal Protection Act* | 1869 | 2. (v) Regulations may be made for the "care custody and education of the children of aborigines". |
| | *Aboriginal Protection Act* | 1886 | 8. Authorises regulations to be made for prescribing the conditions under which "half-caste infants" may be apprenticed or licensed. Also "For the transfer of any half-caste child being an orphan to the care of the Department for neglected children…subject to the provisions of any law for the transfer of orphan children."[24] |
| | *Aborigines Act* | 1890 | 6. (v.) Regulations may be made for the care custody and education of the children of Aborigines.<br>(x) Regulations may be made prescribing conditions of apprenticeship or licensing of "half-caste infants". |

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[24] This is an important clause highlighting that in Victoria, Aboriginal protection legislation remained subject to the provisions of mainstream child welfare legislation.

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| | *Aborigines Act* | 1910 | "To extend the powers of the Board for the protection of Aborigines".  The Board is authorised to exercise the powers conferred on it by the 1890 Act to "half-castes" as well as to Aboriginal people. |
| | *Aborigines Act* | 1915 | 6. Regulations may be made (v.) For the care custody and education of the children of Aborigines. (ix.) For prescribing the conditions on which "half-caste" infants may be apprenticed or licensed. (x.)"For the transfer of any half-case child, being an orphan, to the care of the Children's Welfare Department or any institution within Victoria for orphan children, subject to the provisions of any law…for the transfer of orphan children". 13. Obstruction of officers executing their duties under the Act an offence. |
| | *Aborigines Act* | 1928 | 6. (v.) Regulations may be made for the care custody and education of the children of Aborigines. (ix.) For prescribing the conditions on which "half-caste" infants may be apprenticed or licensed. (x.)"For the transfer of any half-case child, being an orphan, to the care of the Children's Welfare Department or any institution within Victoria for orphan children, subject to the provisions of any law…for the transfer of orphan children". 13. Obstruction of officers executing their duties under the Act an offence. |
| | *Aborigines Act* | 1957 | Disbanding the Board for Protection of Aborigines and establishing an Aborigines Welfare Board.  Silent on the issue of children. |
| WA | *An Act to prevent the enticing away the girls of the Aboriginal Race from school or from any service in which they are employed* | 1844 | "…any person who shall be convicted…of having enticed or persuaded any girl of the Aboriginal race to leave school without the previous consent of a Protector of Aborigines, or of the Master or Mistress of such school, or the service in which she has been engaged, without the previous consent of her master or mistress, shall forfeit and pay any sum not exceeding Two Pounds for the first offence, and Five Pounds for the second or any subsequent offence…" |
| | *Aborigines Protection Act* | 1886 | 6. (3) One of the duties of the Aborigines Protection Board shall be "To submit to the Governor any proposals or suggestions relating to the care, custody, or education of the children of Aboriginals." 18. (a) Prohibition against making contracts of employment or service with any "Aboriginal" under the age of fourteen. |

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| | *Aborigines Protection Act* (cont.) | | 36. Any "half-caste or other Aboriginal child, having attained a suitable age" can be bound by indenture as an apprentice until the child attains the age of twenty-one years. Magistrate must satisfy themselves as to the child's age, and ensure that "due and reasonable provision is made for the maintenance, clothing, and proper and humane treatment of any such apprentice." |
| | *Aborigines Act* | 1889 | No specific clauses relating to children or parents. |
| | *Aborigines Act* | 1897 | 7. (3.) One of the duties of the Aborigines Department shall be "To provide for the custody, maintenance, and education of the children of Aborigines." |
| | *Aborigines Act* | 1905 | 6. (3.) Aborigines Department To provide for the custody, maintenance, and education of the children of aborigines."<br>8. "The Chief Protector shall be the legal guardian of every aboriginal and half-caste child until such child attains the age of sixteen years."<br>9. Prohibits removal of "any aboriginal, or a male half-caste under the age of sixteen years, or female half-caste" between districts or inter-state.<br>17. Unlawful to employ "any aboriginal, or a male half-caste under the age of sixteen years, or female half-caste" except under permit.<br>25. "Any aboriginal who, without reasonable cause, shall neglect or refuse to enter upon or commence his service, or shall absent himself from his service, or shall refuse or neglect to work in the capacity for which he has been engaged, or shall desert or quit his work without the consent of his employer, or shall commit any other breach of his agreement, shall be guilty of an offence against this Act."<br>27. Supervision requirement by a protector or police officer for the employment of "Every aboriginal, every male half-caste under the age of sixteen years, and every female half-caste".<br>34. Father liable to contribute to support of half-caste child – (2.) "Provided that no man shall be taken to be the father of any such child on the oath of the mother only."<br>41. "Any aboriginal who, being the parent or having custody of any female child under the age of sixteen years, allows that child to be within two miles of any creek or inlet used by the boats of pearlers or other sea boats shall be guilty of an offence against this Act."<br>42. Marriage of "a female aboriginal" prohibited without written permission of the Chief Protector.<br>43. Cohabitation between "every male person other than an aboriginal" with "any female aboriginal" is prohibited. |

| | *Aborigines Act* (cont.) | | 44. Persuading or enticing "an aboriginal or half-caste girl under the age of sixteen years to leave any school or aboriginal institution without the consent of a protector, or to leave any lawful service without the like consent, shall be guilty of an offence against this Act."<br>60. (c) The Governor may make regulations "Providing for the care, custody, and education of the children of aborigines and half-castes:<br>(d) Enabling any aboriginal or half-caste child to be sent to and detained in an aboriginal institution, industrial school, or orphanage:…<br>(f) Prescribing the conditions on which any aboriginal or half-caste children may be apprenticed to or placed in service with suitable persons |
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| | *Aborigines Act Amendment Act* | 1911 | 3. Section 8 of the Aborigines Act 1905 is amended as follows: "The Chief Protector shall be the legal guardian of every aboriginal and half-caste child until such child attains the age of sixteen years, to the exclusion of the rights of the mother of an illegitimate half-caste child."<br>55A. "The governing authority of an Aboriginal Institution shall have and may exercise, in respect of any aboriginal or half-caste child sent to the institution, all the rights and powers conferred upon such governing authority in respect of State Children". |
| | *Native Administration Act* | 1936 | 2. "Quadroon" defined under this Act as a person "who is only one-fourth of the original full blood".<br>3. "Quadroons" may be classified "as a native under this Act."<br>6. (3.) The Department of Native Affairs shall have a duty "To provide for the custody, maintenance, and education of the children of natives".<br>8. "The Commissioner shall be the legal guardian of every native child notwithstanding that the child has a parent or other relative living, until such child attains the age of twenty-one years."<br>12. "A native" may be removed to reserves, districts, institutions or hospitals; refusal to comply is an offence.<br>37. (2) "…no man shall be taken to be the father of any such child upon the evidence of the mother, unless her evidence is corroborated in some material particular."<br>44. "Any native who, being the parent or having custody of any female child apparently under the age of sixteen years, allows that child to be within two miles of any creek or inlet used by the boats of pearlers or other sea boats shall be guilty of an offence against this Act." |

| | *Native Administration Act* (cont.) | | 45. Marriage prohibition without "prescribed notice in writing" to the Commissioner; for the first time "any native who is aggrieved on account of any objection by the Commissioner…may appeal to a magistrate." |
| | | | 46. Co-habitation or sexual intercourse between natives and non-natives prohibited. |
| | | | 68. Regulations may be made (d) "Providing for the care, custody, and education of the children of natives: |
| | | | (e) Enabling any native child to be sent to and detained in a native institution, industrial school, or orphanage: |
| | | | (f) For the control, care, and education of natives in native institutions, and for the supervision of native institutions…" |
| | *Native Administration Amendment Act* | 1941 | No specific clauses relating to children or parents. |
| | *Native (Citizenship Rights) Act* | 1944 | Prescribes circumstances in which "a native or aborigine" may be awarded citizenships. |
| | | | 6. "…the holder of a Certificate of Citizenship shall be deemed to be no longer a native or aborigine but shall have all the rights, privileges and immunities and shall be subject to the duties and liabilities of a natural born or naturalised subject of His Majesty."[25] |
| | *Native Welfare Act* | 1954 | 10. (h) (5) Ongoing exclusion of Aboriginal people from the provisions of the Public Service Act 1904, the Superannuation and Family Benefits Act 1938, or the Government Employees (Promotions Appeal Board) Act, 1945. |
| | | | Amendment to Section 8 of the Act, as follows: "The Commissioner shall be the legal guardian of every native child notwithstanding that the child has a parent or other relative living, until such child attains the age of twenty-one years except while the child is a ward according to the interpretation given to that expression by section four of the Child Welfare Act, 1947; and the Commissioner may, from time to time direct what person is to have the custody of a native child of whom he is the legal guardian, and his direction has effect according to its tenor." |

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[25] This clause highlights the extent to which "a native or aborigine" did not possess these "rights, privileges and immunities" of citizenship

| | Native Welfare Act Amendment Act | 1960 | 2. (c) "Quadroons" and persons less than "quadroon blood" excepted from the definition of a "native". |
| | Native Welfare Act | 1963 | Commissioner ceased to be the guardian of "native minors".<br>5. (1) Department of Native Welfare established, "charged with the duty of promoting the welfare of natives."<br>7. "It shall be the duty of the Department… (c) to provide for the custody, maintenance and education of the children of natives."<br>13. Ongoing exclusion of Aboriginal people from the provisions of the Public Service Act 1904, the Superannuation and Family Benefits Act 1938, or the Government Employees (Promotions Appeal Board) Act, 1945. |

## Appendix 4: Who can claim the status of being "stolen"?

My research highlights that both Aboriginal and non-Aboriginal research participants have strongly held views about who can rightly claim to belong to the Stolen Generations. What does it mean to describe yourself as a member of the "Stolen Generations" and who can legitimately claim that status? These issues are contested, and there are a number of differing definitions about what being "stolen" means amongst both Aboriginal and non-Aboriginal research participants.

### Aboriginal perspectives

In terms of the terminology "Stolen Generations", a range of views are expressed by Aboriginal research participants to describe their removal. One female research participant differentiates between her own removal and those who were "dragged away":

> I mean I would have hated to've been dragged away like some of them were. I was put there, where I was, I wasn't dragged. My Mum put in protection in a sense. (Female, Tas, NLA TRC 5000/271, pp. 12-13)

One research participant comments that "I'd prefer lost generation myself" (Male, NSW, NLA TRC 5000/115, p. 41); another comments that she would prefer to describe Aboriginal people being "chosen…not stolen" (Female, SA, NLA TRC 5000/210, p. 27). For another research participant, the term "stolen" is described as "very soft. I mean, abducted, kidnapped, all those words would be more applicable" (Female, WA, NLA TRC 5000/278 p. 100). Another research participant sees herself as having being placed in a home by her parents for "safekeeping" (Female, SA, NLA TRC 5000/253, p. 15), and comments "…I'm not a stolen generation but I was sent away to work" (Female, SA, NLA TRC 5000/253, p. 45).

In a similar vein to many white research participants (see below), some Aboriginal research participants emphasise the aspect of children being forcibly removed, for example

> I think it was a terrible, terrible thing that happened. You hear a lot of people talk about, 'Oh well, they were better off out of the Aboriginal way of life.' But then the people that say this, I'd like to say to them, 'How would you feel if your child, someone came to your home and virtually ripped your child out of your arms, how would you feel?' You know, and that's what was done to a lot of the Stolen Generation people. (Female, Vic, NLA TRC 5000/283, p. 33).

In contrast, other Aboriginal research participants emphasise that there were a diversity of experiences of Aboriginal child removal:

> …each one of us, even though we're held together by the thread of being under the chapter 'stolen children', we're all different, we've all had

different experiences, we've all got a different personality so we've all reacted differently to that. ("Rose", Female, NSW, p. 13)

…there were many different experiences in the Stolen Generation and we weren't all taken and chained by our necks and put through institutions and abused. Certainly that wasn't my experience. I was well loved." (Female, NSW, NLA TRC 5000/226, pp. 12-13)

Some Aboriginal research participants interviewed by the NLA were asked to defend their perception that their story belongs within the framework of a Stolen Generations collection. For example, one research participant, the only Aboriginal child of a white mother who was raised by her white grandparents, is forced to justify the relevance of her experience with that of other removed Aboriginal children:

Interviewer: So it was actually your family that moved you from place to place to protect you?...I guess one of the things [I] could say here [Name], is how do you see your case sitting with the theme of this project, you know the children being taken away from their families?
Interviewee: Well, I see as the same thing, it has got the parallels are there, of the same thing, although those children were taken completely away from all family, and mothers, fathers, brothers, sisters, uncles, aunts, the whole lot, they were taken away and put into strange place. I suppose the lucky thing is that I wasn't done at that, but I didn't get to lead a normal ordinary, what would you call an normal ordinary life of an ordinary child just growing up naturally, able to go and do the everyday things that you wanted to do.
(Female, Tas, NLA TRC 5000/271, p. 19)

Another research participant, who describes her mother making arrangements for her children to be placed into care before travelling from Broome to Perth to have medical treatment, has to explain to the interviewer that "it wasn't as if they sorta snatched us from here" (Female, WA, NLA TRC 5000/158, p. 4). She insists that her mother, who was aware she was terminally ill, made the arrangements for the care of her children herself;

She knew, and I think she was the one who organised all this so I couldn't very well say, 'Well the nuns took us' you know, or the welfare. The welfare had nothing to do with it really, the nuns took us.
(Female, WA, NLA TRC 5000/158, p. 41).

When asked later in the interview if she has ever used Link-Up services, she responds "No, no, I don't think I need to use that because like I say, I was never taken….she's dead, I don't think I'd like to….leave it be, you know, I'd like to let her rest now. Yeah" (Female, WA, NLA TRC 5000/158, p. 44).

Another research participant is forced to defend her perception of being "stolen", possibly because she has described being raised in a loving environment after her removal:

Interviewee: ...I thought I was more stolen than separated.
Interviewer: And why do you think that?
Interviewee: Um, because I was put into a position where I didn't have my mother there with me. And it made me feel so far away from her, seven hundred and fifty K away. I did definitely feel as if I was stolen.
(Female, Qld, NLA TRC 5000/67, p. 23)

### White perspectives

The term "stolen" is itself highly contentious to some white research participants: one white research participant describes it as a "terrible word" and "pejorative" ("Harold", Male, ACT, p. 10); another states it is "very emotive" ("Colleen", Female, SA, p. 46).

For white research participants, the term "Stolen Generations" is seen to have a very specific meaning and can only be applied in very limited circumstances. For many of the white research participants who were involved in various aspects of the child removal process, for an Aboriginal person to describe themselves as "stolen" they had to be literally "snatched" from their mother's arms; if their removal happened in different circumstances then these research participants argue that a person can't legitimately describe themselves as being part of the Stolen Generations. For example:

> ...a great deal of discussion about the heartless, cruel police who go over and snatch people away from the loving arms of their mothers, that was certainly never done in my time. (Female, SA, NLA TRC 5000/222: 44)

> Other people that especially shout and go on about it, I can't quite see what reason they have to do that. Because when they've been adopted, they certainly didn't get snatched away from their mothers, I'm sure they weren't. Anyone I met in Redfern has never spoken about being snatched away at that time. (Female, NSW, NLA TRC 5000/116: 24)

A patrol officer who worked in the Northern Territory distinguishes between children being "snatched away" and his own work during the period 1955-1958. He describes monitoring Aboriginal mothers over a prolonged period, and recommending the removal of girls as they reached a certain age where they would "benefit greatly by an education" and would not be left as a "butt for every stockman to have intercourse with and become sexual toys with." ("Keith", Male, NT, p. 14). Reading from a report he wrote in 1957 recommending the removal of three Aboriginal girls and advising that some boys were not a high priority for removal, this research participant comments

> That's nothing like snatching children, is it?... Nothing like it. It puts paid to a lot of what is said really, for those years when I was there. ("Keith", Male, NT, p. 18)

The research participant then generalizes from this one report he wrote in 1957 to state that no removals taking place in the NT in this era could be seen as

"snatching children". This idea of "stolen" meaning being "snatched away" is very important to these white research participants; here, the dominant Stolen Generations narrative is being deployed, in this case to delimit the research participants' actions and contrast them to what happened in "real" Stolen Generations removals.

For white research participants, if Aboriginal children were removed by a legal or welfare process, they cannot be legitimately described as "stolen", even if such processes are now widely recognised to have been discriminatory in their design and application. There are references amongst this group to "the standards of the day", and criticisms by them that their actions are being judged retrospectively and by criteria that did not exist at the time. This conflict over contemporary judgements about the past reflects a broader debate within human rights about how states should respond to cases of historical injustice, with some theorists arguing that attempts to redress past wrongs are a positive development, essential for the legitimacy of democratic states and leading to the creation of new national and even international moral and legal standards (see for example Borneman 2005; Moeller 2002; Marrus 2007; Thompson 2002 and 2004); and others variously seeing such attempts as a retreat to the past, an illegitimate form of *ressentiment* politics or a turning of our collective backs on the possibility of a better future (see for example Brown 1995; Olick 2007; Torpey 2006; Waldron 1992).

For some white research participants, to fit the definition of being "stolen" you must be taken "far away":

> Interviewer: Now, you mentioned the term 'stolen generation', what is your understanding of that?
> Interviewee: Well, it seems to be that in some cases children were taken from their parents against their wishes and removed to places far distant. I guess that's what it's all about.
> Interviewer: Have you ever made contact with anybody who's had experience of that, either from the point of view of on an administrative side or as a child?
> Interviewee No, because at Daintree they were not stolen at all, and these children who came to me through the Department of Children's Services came only because their parents weren't caring for them. I've never really met anyone who was actually removed and taken a long way away against the parents' wishes. (Female, Qld, NLA TRC 5000/95: 33)

This research participant remains adamant that the children she cared for on Daintree Mission were not part of the "stolen generation"– the children were either orphans or ones whose parents had asked the mission to take them (Female, Qld, NLA TRC 5000/95: 9).

For others, it is the idea of "forcible removal" that differentiates their own practice from that of others, for example this comment from a cottage mother:

Interviewer: Now, none of these children, the Aboriginal children that you were involved with, were say, forcibly removed from their family?
Interviewee: No. No....
Interviewer: Do you know anything, at that time, did you know anything at that time of you know, children being forcibly removed from their families? Aboriginal children.
Interviewee: I'd heard about it, but...I think I'd heard about it, but it didn't apply to the children in my care. (Female, Vic, NLA TRC 5000/110: 17)

Or the view expressed by a NT patrol officer that "There was very, very few were removed and I'm quite happy to say that none of them were forcibly removed, none" (Male, NT, NLA TRC 5000/105: 36-7).

A missionary who worked in the Northern Territory at a number of different missions and then at the Retta Dixon Home strongly disputes that any Aboriginal child he encountered over three decades working as a missionary could be described as belonging to the Stolen Generations:

> This is my point, they're not Stolen Generation. All my, during my time – I was eighteen years at Retta Dixon Home, the Superintendent, and not one of them was stolen. Not one! Some of them were taken by the government departments for their own good. They went before the courts and were declared to be state wards. That was one section. There were others that the parents themselves broke up their own family, and the kids had to come there for temporary residence. And sometimes families were reconstituted again and they'd go out. Other times the parents would bring the kids, and they were just single parents and, and were pleased to bring their kids back to us. We had old, old residents come back and put their children in the home. (Male, NT, NLA TRC 5000/195: 39)

A NT patrol officer who admits that he was involved in what appears to be an archetypal Stolen Generations removal disputes the interpretation of the scene by another witness who reported it to the *BTH* Inquiry:

> Well, to me it was a normal reaction to Aborigines to something that was happening. It wasn't unusual. But there certainly was a certain amount of sorrow cutting, which was cutting their heads, by the women. Also a lot of howling. But also in the Wilson Report there's a statement by a girl that the tailgate was slammed, the truck took off in a cloud of dust and with the women screaming and running after the truck and all that sort of thing. Well, to a certain extent that's right in as much as we closed the tailgate...So you can imagine, with the dogs barking, the women screaming and everyone sort of yelling, it was probably a dramatic takeoff.
>
> But the story given to Wilson was given by someone named Julia. There was no Julia on the truck. So whoever she is, she's given her story in camera, in confidence, and yet to me she wasn't on the vehicle. Now,

either they've allowed them to change their names so that they can't be queried on anything that they said. To me it just knocks the credibility of the Wilson Report, because I had a list of the names of the children who were on the vehicle and, as I said, there as no person by that name on the vehicle. (Male, NT, NLA TRC 5000/105: 22)

Despite his account being similar in nearly every detail to that described by "Julia" (HREOC, 1997: 141-2), whose name along with all the other people who provided evidence in confidence to the Inquiry is clearly identified within the *BTH* Report as having been replaced by a pseudonym (HREOC, 1997: 20), the fact that her identity is protected is seen by this research participant as enough to bring her whole story, and indeed the whole findings of the *BTH* Report, into disrepute, and even to bring in to doubt that she was present at the time when this removal took place.

Even the use of the term "removed" is challenged by one white research participant:

> Well, I agreed with the policy. That was about it. I could see these children 99.9 per cent of the time living in abject squalor. We couldn't assist every child, but we could assist some, and we tried to do our best in assisting those that were taken into care. I don't like using the word "removed". They were taken into care. (Male, NT, NLA TRC 5000/105: 20)

In addition to disputing who can claim to be "stolen", some research participants also want to challenge the perception that a significant number of Aboriginal children were removed:

> In the decade, I have seen the figures, in the first seven or eight years of the fifties, only forty-two children were removed by government officers. I don't know about missions and the like. That is not a great number of people to be removed...I think that's a very slight number, given the horrific problems that did exist in the outback. ("Keith", Male, NT, p. 19)

Another research participant talks about "the ten per cent that were stolen", though it is unclear how she has arrived at this figure; she speculates that some of the children in her care "may or may not have been the ten per cent who were stolen" ("Colleen", Female, SA, p. 23):

> The term 'stolen generation' is a very emotive one which captures the imagination of the population, both here in Australia and overseas... the children who came to me were, to my knowledge, taken to the courts and charged with being neglected. There was only a small handful of them who were there when I arrived and who'd been there for a number of years who may have been actually stolen. ("Colleen", Female, SA, p. 46)

Despite being so confident that none of the children in her care were "actually stolen", this research participant who worked as a cottage mother admits that she did not actually have detailed information about the children's backgrounds:

> See, we were told very, very little of the background of the children. I might know where they came from and a very minimal amount of the background. ("Colleen", Female, SA, p. 46)

A NT patrol officer distinguishes between removals by government officials, which he claims there were only 42 of in the first eight years of the 1950s, and removals by missions, which he personally has no information about ("Keith", Male, NT, p. 19); whereas a NT missionary talks about removal of children from their parents being government policy, not mission policy, i.e. the missionaries were not to blame (Male, NT, NLA TRC 5000/195: 15).

Even white research participants who are otherwise quite sympathetic towards the idea of the Stolen Generations and towards the experiences of Aboriginal parents want to separate their own experience from anything approaching the idea of "stolen". For example, the adoptive father of an Aboriginal boy states:

> Some [children] were stolen and some were separated. Her [the birth mother of his adoptive son] children...weren't stolen, they were separated but under circumstances which were almost somewhat akin to being stolen because there was no other options or alternatives given to her...It was [the children's] welfare, but the welfare of the mother was not brought into it. (Male, Vic, NLA TRC 5000/137: 28)

Similarly, another cottage mother who worked in Victoria was asked about her views on the separation of Aboriginal children from their families in light of the findings of the *BTH* Inquiry:

> Oh, it was absolutely appalling, absolutely awful. You know, the grief of the people who have had their children taken away. It's just heartbreaking thinking about it, and....and I just can't imagine how people could do that sort of thing (Female, Vic, NLA TRC 5000/110: 18)

However she firmly denies that there was ever any illegality in her own work:

> Interviewer: Now, none of these children, the Aboriginal children that you were involved with, were say, forcibly removed from their family?
> Interviewee: No. No.
> Interviewer: OK, it was all done quite legitimately and legally within the framework [yes] of the official legislation I guess?
> Interviewee: Yes (Female, Vic, NLA TRC 5000/110: 14)

When she attends the funeral of one of the boys from the home who committed suicide in 1993, she describes the preacher at the funeral making

...a diatribe against cottage mothers.  And how evil cottage mothers had been in the system.  That the Aboriginal children had been taken from their homes and given to the cottage mothers.  And my children found that very, very difficult to hear and we went straight home after the funeral instead of spending any time with the brothers [of the deceased man] as we had originally intended...Well, we went home feeling rather wrought and bruised, and for the next week we had a running joke going, how bloody [Name] had drive off into the bush to steal Aboriginal children.  And so we found our usual relief in laughter... (Female, Vic, NLA TRC 5000/110: 23)

None of the white research participants sees their actions as being related to the stolen generations – they always find another justification, i.e the children were neglected, the parents didn't want the children, the parents weren't looking after the children, the parents / mother were irresponsible. Whilst some – but not all – of the white research participants now accept that Aboriginal child removal was not always ideal, nobody sees themselves or their individual actions as blameworthy.   However, some have no such reticence in placing blame squarely on Aboriginal parents, whose poor parenting, neglect, substance abuse, lack of interest, low standards of care, infanticidal inclinations, dislike of "half-caste" children and so forth are frequently highlighted.

I would argue that the construction of a very specific narrative of what it means to belong to the "Stolen Generation" is used by white research participants who were involved in Aboriginal child removals to justify and rationalize their actions, as much as it is by the victims to delimit what is seen as a valid Stolen Generations experience.  I believe there is a need to have a much broader conceptualization of Aboriginal child removal practices rather than just the simplistic version of children being "snatched" from their mother's arms, and also greater awareness of the structural factors that contributed to Indigenous parents being placed in positions where they were unable to care for their children, as outlined in Chapter 3.

One group who cannot lay any claim to being "stolen" is Aboriginal parents, who have been defined out of this human rights violation by the very terminology used to describe it.  Rather than also being seen as victims of child removal policies and practices, the violation of their rights is typically overlooked, or they are reviled and blamed for the result of policies and practices over which they had little or no control.

# List of Research Participants

AH CHEE, Marita,  interviewed by Martin Ross, 11 October 2001,
TRC 5000/31, National Library of Australia.

ALEXANDER, John,  interviewed by John Bannister, 8 & 15 June 1999,
TRC 5000/30, National Library of Australia.

ANDERSEN, Clair, &
ANDERSEN, Jaye,  interviewed by Lyn McLeavy, 20 July, 24 August & 15 September 2000 and 25 May 2001,
TRC 5000/287, National Library of Australia.

ANDREWS, Gloria,  interviewed by Lola Greeno, 17 June 2000, TRC 5000/271, ,
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BLOOMFIELD, George  interviewed by John Maynard, 7 April 2001,
TRC 5000/247, National Library of Australia.

BOWDEN, Cecil,  interviewed by Frank Heimans, 20 July 2001,
TRC 5000/302, National Library of Australia.

BOWEN, Ella,  interviewed by Deborah Somersall, 26 October 2000,
TRC 5000/201, National Library of Australia.

BOXER, Reda,  interviewed by David Woodgate, 13 March 2001,
TRC 5000/238, National Library of Australia.

BROWN, Dawn,  interviewed by Peter Bertani, 29 July 2000,
TRC 5000/157, National Library of Australia.

BYRNE, Frank,  interviewed by Anne Ronberg, 30 May 2001,
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CHANDLER, Debra,  interviewed by Lyn McLeavy, 16 May 2000 and 22 & 29 May 2001,
TRC 5000/279, National Library of Australia.

CLARKE, Una,  interviewed by Karen George, 15 December 2000,
TRC 5000/228, National Library of Australia.

COCKATOO, Doreen, &
COCKATOO, John,  interviewed by Lyn McLeavy, 20 September 2000,
TRC 5000/232, National Library of Australia.

COLBUNG, Ken,  interviewed by Lilly Krauler, 3 September 2001,
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COSTELLOE, Florence, interviewed by Lloyd Hollingsworth, 7 May 2000,
TRC 5000/139, National Library of Australia.

COULTHARD, Clara,  interviewed by Sue Anderson, 12 December 2000,
TRC 5000/210, National Library of Australia.

CROFT, Pamela,  interviewed by Deborah Anne Somersall, 24-25 February 2000, TRC 5000/99, National Library of Australia.

CROMBIE, Eileen (Unkari),  interviewed by Sue Anderson, 7 June 2000,
TRC 5000/129, National Library of Australia.

DANN, Bruno, & WINAWARL,

Cynthia Maree,     interviewed by Marnie Richardson, 12 June 2001,
                   TRC 5000/310, National Library of Australia.

DESHONG, Trevor,   interviewed by Colleen Hattersley, 31 July 2001,
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DEXTER, Barrie, &
DEXTER, Judith     interviewed by Steven Guth, 24 March 1999,
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DODD, Martin,      interviewed by Sue Anderson, 9 June 2000,
                   TRC 5000/128, National Library of Australia.

DONEY, Daphne,     interviewed by Marnie Richardson, 2 September 2000,
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DONOVAN, Kathy,    interviewed by John Maynard, 3 April 2001,
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DUNN, Dennis, &
DUNN, Susan,       interviewed by Rob Willis, 15 December 1999,
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EDWARDS, Oomera
(Coral),           interviewed by Ann-Mari Jordens, 5 March 2000,
                   TRC 5000/94, National Library of Australia.

FATT, Lillian,     interviewed by Sue Anderson, 9 June 2000
                   TRC 5000/131, National Library of Australia.

FEJO, Eileen,      interviewed by Glenys Dimond, 22 November 2001,
                   TRC 5000/323, National Library of Australia.

FISHER, Cecil,     interviewed by Lyn McLeavy, 24 September 2000,
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FRAIL, Jackie,     interviewed by Rob Willis, 6 July 2000,
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FURBER, Margaret,  interviewed by Anne Ronberg, 23 May 2001,
                   TRC 5000/292, National Library of Australia.

GARE, Frank,       interviewed by W.J.E. Bannister, 11 March 1999,
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GERRARD, Shaan
Marie              interviewed by John Maynard, 30 March 2001,
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GORDON, Sue,       interviewed by John Bannister, 12 October 1999,
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GRAHAM, Kathleen
Mary,              interviewed by Suzi Hutchings, 1 September 2000,
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GRAHAM, Syd,       interviewed by Karen George, 4 September 2000,
                   TRC 5000/258, National Library of Australia.

HANSEN, Peter,     interviewed by Glenys Dimond, 1 July 2001,
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HARRIS, Marjorie,  interviewed by Glenys Dimon, 15 June 2001,
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HARRISON, Harold,  interviewed by Rob Willis, 11 January 2000,
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HARRISON, Joanne,    interviewed by Roderick Lacey, 31 July 2000,
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HEGARTY, Boomy,      interviewed by Helen Belle Curzon-Siggers, 8 Dec 1999
                     TRC 5000/75, National Library of Australia.
HEGARTY, Ruth,       interviewed by Helen Belle Curzon Siggers, 14 Dec 1999
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HEITMEYER, Deidre,   interviewed by John Maynard, 4 March 1999,
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HINCHCLIFFE, Elizabeth,
                     Interviewed by Rob Willis, 18 August 2000,
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HOBBLER, Lyn, &
HOBBLER, Marita      interviewed by Lloyd S. Hollingworth, 21 September 1999,
                     TRC 5000/65, National Library of Australia.
HOCKING, (CHANDLER)
Debra,               interviewed by Lyn McCleavy, 16 May 2000,
                     TRC 5000/279, National Library of Australia.
HONEYCHURCH, Lynette,
                     interviewed by Gordon Dowell, 18 June 2001,
                     TRC 5000/283, National Library of Australia.
HOOD, Angela,        interviewed by Jane Watson, 21 October 2001,
                     TRC 5000/317, National Library of Australia.
ISAACS, Robert,      interviewed by John Bannister, 2 March 2000,
                     TRC 5000/93, National Library of Australia.
JACKSON, Sydney,     interviewed by Helen Belle Curzon-Siggers, 26 July –
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JACQUES, Christine   interviewed by Karen George, 5 July 2000
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JOHNSON, Sibby
(Albert),            interviewed by Rob Willis, 10 February 2000,
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JOHNSTON, Emma,      interviewed by Deborah Anne Somersall, 18 Oct. 1999,
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KARTINYERI, Doris,   interviewed by Sue Anderson, 17 November 2000,
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KELLY, Ryan,         interviewed by John Maynard, 1 April 2001,
                     TRC 5000/240, National Library of Australia.
KEMP-HOWARD,
Nancy,               interviewed by Sue Anderson, 5 June 2001,
                     TRC 5000/286, National Library of Australia.
KENDALL, Carol,      interviewed by John Maynard, 5 April 2001,
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KINCHELA, Sharon,
MATTHEWS, Rosie &
KINCHELA, Debbie     interviewed by Colleen Hattersley, 28 March 2001,
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KINNEAR, Audrey
Ngingali,                interviewed by Francine George, 25 February 1999
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KING, Mary,              interviewed by Colleen Hattersley, 20 March 2001,
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KNIGHT, Gwenny           interviewed by Rob Willis, 21 January 2000,
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LANGE, Barbara,          interviewed by David Woodgate, 30 March 2001,
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LEE, Mary,               interviewed by Gary Lee, 9 October 2000,
                         TRC 5000/270, National Library of Australia.
LEES, Pattie,            interviewed by Colleen Hattersley, 13 June 2001,
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MACLEOD, Colin,          interviewed by Gordon Dowell, 16 February 2000,
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MARBACH, Alice,          interviewed by Deborah Somersall, 26 February 2000,
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MCEWAN, Keith,           interviewed by Gordon Dowell, 19 May 2000,
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MCGEE-SIPPEL,
Lorraine,                interviewed by Diana Ritch, 30 August 2000,
                         TRC 5000/214, National Library of Australia.
MCGINNESS, Joe,          interviewed by Lloyd Hollingsworth, 20 September 2000,
                         TRC 5000/89, National Library of Australia.
MCKEE, Muhammed, interviewed by Anne Ronberg, 25 March 2001,
                         TRC 5000/245, National Library of Australia.
MCLENNON, Lesley,  interviewed by Helen Belle Curzon-Siggers, 11 Dec 1999,
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MCMAHON, Trudy
(Gertrude),              interviewed by Ann-Mari Jordens, 19 May 2000,
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MEEHAN, Donna,           interviewed by Rob Willis, 12 September 2000,
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MEYER, Margaret,         interviewed by Gordon Dowell, 19 April 2000,
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MICHAEL, Keiran,         interviewed by Phillip Connors, 17 September 1999,
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MILLS, David,            interviewed by Karen George, 26 July 2000,
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MILLS, Yvonne,           interviewed by Colleen Hattersley, 15 August 1999,
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MORCOM, Luke,            interviewed by Martin Ross, 6 October 2001,
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MORIARTY, John,          interviewed by Frank Heimans, 17 August 2001,
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MOSELEY, Eileen,         interviewed by Anne Ronberg, 27 March 2001,
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MULLINS, Annie,        interviewed by Lyn McLeavy, 30 September 2000,
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NEAL, Alfred,          interviewed by Lloyd Hollingsworth, 25 September 1999,
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NEARY, Sylvia,         interviewed by Jane Watson, 16 March 2001,
                       TRC 5000/251, National Library of Australia.
NEWMAN, Rudolph   interviewed by Colleen Hattersley, 24 November 2000,
                       TRC 5000/220, National Library of Australia.
NICHOLSON, Carmel, interviewed by Diana Ritch, 15 December 1999,
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OHRIN, Christine,      interviewed by Tikka Wilson, 15 & 23 February 1999,
                       TRC 5000/8, National Library of Australia.
OZIES, Annie,          interviewed by Gary Lee, 18 May 2000,
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PACKHAM, John,         interviewed by Sue Anderson, 6 July 2001,
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PATTEMORE, Mervyn,
                       interviewed by Glenys Dimond, 1 November 2000,
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PENHALL, Leslie Newton
                       interviewed by Francis Good, 25 January & 1 Feb 2000,
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PERRY, Darren,         interviewed by Karen George, 12 May 2000,
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PILKINGTON, Doris,  interviewed by John Bannister, 6 & 26 June 2000,
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POWER, Danny,          interviewed by Gordon Dowell, 31 October 2001,
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PRITCHARD, Glynn,   interviewed by Helen Belle Curzon-Siggers, 14 Aug 1999,
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PYATT, Dorothy,        interviewed by Karen George, 6 December 2000,
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RONBERG, Anne,        interviewed by Eileen Moseley, 2 April 2001,
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RUTTER, Bill,          interviewed by Rob Willis, 12 April 1999,
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RYAN, Japarta Maurie
                       interviewed by Glenys Dimond, 29 December 2000,
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SHADFORD, Mary,      interviewed by Anne Ronberg, 24 September 2001,
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SHAW, Gerrard,        interviewed by John Bannister, 20-21 May 1999,
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SIBLEY, Jean,          interviewed by Philip Connors, 16 November 1999,
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SIMON, Bill,           interviewed by Frank Heimans, 27 July 2001,
                       TRC 5000/297, National Library of Australia.
STAGG, Ken,            interviewed by Colleen Hattersley, 17 May 2000,
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STEVENS, Eileen,     interviewed by Steven Guth, 13 & 15-16 May, 2000,
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STIRLING, Jim,      interviewed by John Maynard, 31 March 2001,
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STUBBS, Judith,      interviewed by Ann-Mari Jordens, 22 October 2000,
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TANNA, Suezeanne,   interviewed by Helen Belle Curzon-Siggers, 10 Dec 1999,
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TERSZAK, Mary,      interviewed by John Bannister, 4 November 1999,
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TIPPETT, George,     interviewed by Gordon Dowell, 18 May 2000,
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TOMLIN, Maria,      interviewed by Martin Ross, 21 November 2001,
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TRAPMAN, Jacqueline,
                     interviewed by Rob Willis, 12 September 2000,
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TUR, Mona Ngitji Ngitji,
                     interviewed by Sue Anderson, 9 March 2001,
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VAN DE BERG, Marjorie,
                     interviewed by W. John E. Bannister, 27 March 2000,
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VICENTI, Heather,    interviewed by Marnie Richardson, 6 Sept, 8 Oct, & 23 Nov
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WALKER, Wilma,      interviewed by Deborah Somersall, 14 August 1999,
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WANGANEEN, Rosemary,
                     interviewed by Sue Anderson, 9 May 2001,
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WARBER, Gerard,     interviewed by W. John E. Bannister, 26 March 2000,
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WATSON, George,     interviewed by Phillip Connors, 12 January 2000,
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WEIR, Barbara,      interviewed by Diana Ritch, 13 March 2000,
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WENBERG, Vince,     interviewed by Frank Heimans, 6 September 2001,
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WHITE, Harold,      interviewed by Marnie Richardson, 24 December 2000,
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WHITTAKER, Arthur,
                     interviewed by Sue Anderson, 10 October 2001,
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WILLOWAY, Edith,    interviewed by John Bannister, 13 December 2000,
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WILSON, Julie,      interviewed by Frank Heimans, 30 January 2001,
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WINAWARL, Cynthia Maree,interviewed by Marnie Richardson, 13 June 2001
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WOOD, John,        interviewed by Barbara Erskine, 23 November 1999,
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WOODROW, Marjorie,
                   interviewed by Colleen Hattersley, 29 September 1999,
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WRIGHT, Eunice,    interviewed by Roderic Lacey, 26 July 2000,
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WYLES, Owen,       interviewed by Phillip Connors, 16 November 1999,
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WYLES, Venus,      interviewed by Lloyd Hollingsworth, 1 May 2000,
                   TRC 5000/141, National Library of Australia.


## Interviewees, UTS[26]

ANON.,             interviewed by Anne Maree Payne, 13 September 2012,
                   UTS Transcript RP1
ANON.,             interviewed by Anne Maree Payne, 18 September 2012,
                   UTS Transcript RP2
ARTHUR, Lily,      interviewed by Anne Maree Payne, 30 October 2013,
                   UTS Transcript RP4
READ, Peter,       interviewed by Anne Maree Payne, 24 October 2013,
                   UTS Transcript RP3

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[26] Those research participants who have requested to remain anonymous have not been identified.

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*War Pensions Act* 1914 (Cth)
*Widows Pension Act* 1942 (Cth)
*Social Services Act* 1959 (Cth)

## State and Territory

### Australian Capital Territory
*Aborigines Welfare Ordinance* 1954 (ACT)

### New South Wales
*Aborigines Protection Act* 1909 (NSW)
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*Aborigines Protection (Amendment) Act* 1936 (NSW)
*Aborigines Protection (Amendment) Act* 1940 (NSW)
*Aborigines Protection (Amendment) Act* 1943 (NSW)
*Aborigines Act* 1969 (NSW)

### Northern Territory
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*Aboriginals Ordinance* 1911 (NT)
*Aboriginals Ordinance* 1918 (NT)
*Aboriginals Ordinance* 1953 (NT)
*Welfare Ordinance* 1953 (NT)

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*Aboriginals Preservation and Protection Act* 1939 (Qld)
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