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Le « moment de vérité » de l'Australie et le fardeau de la preuve historique

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Australia's "Moment of Truth" and the Burden of Historical Proof

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Matthew Graves

TEXT

1 The terms "post-truth" and "post-fact" "exploded on the social media scene" after 2015 when "post-truth" became the Oxford Dictionaries' 2016 word of the year, although it had been "simmering for the past decade" (Lewandowsky 354), at least since the publication of the eponymous essay by Ralph Keyes (2004). [1] Oxford University Press retraces its origin to the early 1990s and an article in *The Nation* by playwright Steve Tesich about how truth in American public life fell a casualty of the Iran-Contra scandal and the First Gulf War (Kreitner 2016). [2] Australian politics has proven to be no exception to this transnational trend. Public debate became increasingly couched in post-truth political discourse in the ensuing years, notably when Prime minister Scott Morrison was accused of lying by president Emmanuel Macron over the AUKUS submarine deal (ABC News, 31 Oct. 2021), a view seconded by Morrison's predecessor Malcolm Turnbull (ABC Radio, 2 Nov. 2021), [3] or when Shadow Housing and Homelessness Minister Jason Clare accused Morrison of making misleading statements about climate change at Cop-26: "This bloke doesn't just lie, he lies about lying" (Sky News, 15 Nov. 2021).

2 An adjective defined by Oxford Languages as "relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief", the emergence of post-truth discourse is attributed by Lewandowsky, Ecker and Cook to "societal mega-trends such as a decline in social capital, growing economic inequality, increased polarization, declining trust in science, and an increasingly fractionated media landscape" (353). While it was said to mark the "current moment" in the United States (Kreitner 2016), in Australia it coincided with the revival of the older compound noun "truth-telling" in the debate about Indigenous rights and Australian colonial and post-colonial

history. "Truth-telling" features in the 2015 edition of the Oxford Concise Medical Dictionary where it is defined as an ethical duty amongst clinicians to speak truthfully to their patients and tell them "the facts openly, honestly, and unambiguously" (Martin 776), yet in the nationwide consultations of Indigenous communities leading to publication of the Final Report of the Referendum Council on 30 June 2017, the term had long been a key notion. In the text of that report the lexical field of "truth", including "truth-telling" and "true history", occurs no less than sixty-three times.

3 This intense focus on truth-telling is what Mark McKenna has called "Australia's moment of truth" (2018, 8). For Henry Reynolds, it is the result of "a remarkable growth of historical awareness" (2017, 11) leading to the Uluru Statement from the Heart (2017); the culmination of two decades of work in Indigenous communities and civil society to reveal forgotten histories and remake the national narrative by coming to terms with Australia's violent past and its deep history, thereby moving beyond the faltering reconciliation process towards constitutional recognition and lasting political change. The *2021 State of Reconciliation in Australia Report* "places truth-telling at the centre of how we move forward" (Mundine 3).

4 Yet, establishing the truth of events which are hard to document because of limited sources, and because they are shrouded in centuries of forgetting and denial, continues to prove challenging and controversial. This article asks whether history can be trusted to show the way to the truth, "when the truth may only be ashes and dust" in the words of the 2016 Nobel Laureate in Literature (Dylan 1985), or whether shifting standards and burdens of historical proof could be said to be gradually reframing the national story in post-colonial Australia.

5 In the wake of the "History Wars", the borders between truth-telling and story-telling, science and literature, have worn thin as authors turn to fictional reconstitution and literary memoir to probe the dark recesses of sites of memory, and historians to archeology and the earth sciences to supplement and test limited sources (Griffiths 179, Roberts et al. 194). Faced with the challenge of writing up her research into the massacre of Indigenous people perpetrated in 1844 by cattle station hands at Bluff Rock, a granite outcrop at Tenterfield

in northern New South Wales, "the truth of [which] remains clouded by many conflicting versions" ("Bluff Rock"), Katrina Schlunke turned to personal testimony to supplement scarce sources in her hybrid history-cum-memoir *Bluff Rock: Autobiography of a Massacre* (2005), a choice which was critically received by the reviewer in *Aboriginal History* who objected that "this concern with her own feelings tends to undermine the integrity of the rest of the work [...] Schlunke's method seems to involve a kind of tyranny over the past" (Atkinson 232).

6 Kate Grenvilles investigation of a massacre of Aboriginal people on the Hawkesbury River circa 1814 in the prize-winning historical fiction *The Secret River* (2005) (later made into a mini-series for television), and its non-fiction sequel *Searching for the Secret River* (2006) exploring her settler ancestor's role in it, sparked a heated public history debate. The author's assertion (reformulated in a subsequent interview) that "historical novels give people who will never read history a chance to think about some of the issues that history raises" (Grenville 2009), was objected to by Mark McKenna and Inga Clendinnen who underlined the anachronism the novelist had committed by transposing details of the massacre from a separate killing at Waterloo Creek two decades later (Stewart). In a *Quarterly Essay* article "The History Question: Who Owns the Past?" Clendinnen rejects the novelist's "claim to 'know' with equal certainty both what is intimated within the records and what is beyond it", one which exposes "a gulf" between "doing history" and "doing fiction" (20). What distinguishes the former from the latter is the critical role of historians who she urges to engage with the politics of the past as its "custodians and interpreters" (15), if they are to resist its appropriation by novelists and memorialists:

> Given the power of stories, historians must be on constant alert regarding their uses, because, like their cousins the archeologists, their obligation is to preserve the past in its least corrupted form. Citizens will go on exploiting the past for all manner of private and public enterprises, reputable and disreputable; historians will go on resisting opportunistic appropriations. That critical role will engage them in "politics" broadly understood. (Clendinnen 65)

7 Implicit in curating the past "in its least corrupted form" is the issue of the relativity of historical truth, the question of questions at the heart of evidentiary standards in historical research, "how do we know when we know?" (Kaestle 362). Here, Clendinnen's position converges with that of the historiographer John Tosh whose view is "that the methods of academic history hold out the promise not of 'truth' in the absolute sense, but of incremental growth in our knowledge of the past" (xii). Formal proof may be beyond the range of historians, the "facts" of history are those inferences drawn from the available sources that are validated by the cumulative weight of expert opinion (Tosh 158). Tosh points to the challenge posed to standards of proof in academic history by the postmodern turn in scholarship on the one hand, and the development of the growing memory culture in society at large on the other. The task facing historians is how to play their legitimate part in memory studies without neglecting their regard for evidential proof (Tosh 279) or, we might add, while leaving no stone in the field of "forgotten histories" unturned. In answering his own rhetorical question about standards of evidence, Carl F. Kaestle reaches for another metaphor for the early stages of historical research which he compares to "a lot of horses pawing at the ground and not going anywhere yet" before tentative hypotheses can progress towards viable generalizations, subject to the internal standards of historical dialogue: the "consonance of micro- and macro-levels of analysis, synthesis of contradictory claims, and reinforcement across regions or nations" (Kaestle 366). Kaestle concedes, like Tosh, that answers will still be "impermanent" and incomplete, but they will "give us a little better light for looking into the abyss" (ibid.).

8 This is where the notion of the burden of proof enters the historian's reckoning by analogy with Law: the onus on a party to a case to produce sufficient evidence to establish the truth of the facts. It is legal terminology Stuart Macintyre reaches for in *The History Wars* when assessing the validity of Keith Windschuttle's critique, in *The Fabrication of Aboriginal History*, of the research undertaken by Henry Reynolds, Lyndall Ryan, and their peers, into the massacres of the frontier wars:

> He [Windschuttle] imposes stringent standards of evidence—from reputable eyewitnesses and perfectly corroborated—to rule out higher numbers [of victims].
> He applies these forensic techniques to prosecute the historians, but he also acts as counsel for the defence for the colonial authorities. (164–165)

Windschuttle's minute examination of the evidence is most damaging, Macintyre concedes, where it exposes discrepancies between the sources and historians' accounts, but in the final analysis he finds the defence counsel culpable of engaging in an exercise of "counter-history" (166), less intent on contributing to the establishment of the truth than to reducing the body count (167). With reference to the intense scrutiny to which Lyndall Ryan's *The Aboriginal Tasmanians* was subjected, Macintyre surmises "some might conclude that there is no alternative to the campaign of denial but to compile as full an inventory as possible of the frontier wars", adding presciently: "It would be a lengthy, grisly and always imprecise business as the records are neither comprehensive nor unambiguous" (Macintyre 170). Presciently, because this is precisely the arduous course that historians of the frontier wars would take.

9 In the decade that followed, research to further substantiate the pioneering work of Reynolds et al. would proceed apace. Although it is not within the remit of this article to provide a panoramic account of that "intellectual and cultural movement that in a little over a generation has transformed the nation's understanding of both traditional Aboriginal society and the relations between Indigenous and settler Australians" (Reynolds 2013, 5), it should begin with the third edition of Reynolds's own seminal study *The Other Side of the Frontier* (2006), reissued to mark the twenty-fifth anniversary of the first, including a new introduction in which the author sustains his estimate of 20,000 Aboriginal dead in answer to Windschuttle's charge that his figures were deliberately inflated (11). A few years later, in *Forgotten War*, Reynolds would revise that estimate "steeply upwards to 30,000 and beyond, perhaps well beyond" (2013, 70) based on a synthesis of historical research into conflict on the frontiers of settlement accumulated since 1981, [4] while at the same time pressing home the case for the board of the Australian War Memorial to

formally acknowledge the frontier wars, a call which flows from the critique of the Anzac tradition formulated with Marilyn Lake, Mark McKenna and Joy Damousi in terms of truth-telling in *What's Wrong with Anzac* (2010): "History runs counter to myth-making. We write to encourage a more critical and truthful public debate about the uses of the Anzac myth" (VIII). In taking this stand, Reynolds, Lake and their peers took up the challenge issued by Inga Clendinnen to critically engage in the politics of the past at the nexus of history and collective memory.

10 Starting from the premise that "during the first half of the 20th century the Aborigines were written out of Australian history" (Reynolds 2013, 11), this group of historians has sought to write them back in by embedding "the national story in the histories of our own soil", as Mark McKenna puts it in *From the Edge: Australia's Lost Histories* (XV), the second in a geohistorical series beginning with *Looking for Blackfella's Point: An Australian History of Place* (2002). Where the first book in McKenna's trilogy plumbs the absence of collective remembrance at an Aboriginal meeting place on the south coast of New South Wales, the second investigates half-forgotten encounters between Aboriginal and non-Aboriginal Australians located at the four corners of the island-continent and on the edge of national consciousness. The third volume, *Return to Uluru* (2021), revisits a specific site of memory, but this time an iconic monolith at the centre of the continent, [5] and a hidden history: the unlawful killing in 1934 of an Aṉangu Pitjantjatjara man, Yokununna, at Uluru/Ayer's Rock by a mounted constable of the Northern Territory police, William McKinnon. What distinguishes McKenna's most recent book from its prequels is less a methodological change in approach—he takes a characteristically deep dive into the available records, both written and oral—as a shift in historiographical focus, to a case study that questions the fine line between legal and historical standards of evidence and burdens of proof. *Return to Uluru* reopens a cold case: the 1935 Commonwealth Board of Enquiry into McKinnon's alleged ill-treatment of Aboriginal prisoners and fatal shooting of Yokununna. In its final report, the Board failed to press charges, finding that the ill-treatment was meted out on the instructions of "the responsible mission official", and that the shooting, though unwarranted, was "legally justifiable" (to prevent escape) (McKenna 2021, 124). Apart

from a single dissenting opinion, the Board found that "from a legal point of view, no charge could be maintained in a court of law against McKinnon" (McKenna 2021, 123). William McKinnon returned to his policing duties and lived out the rest of his days untroubled by the criminal justice system. Had there been a miscarriage of justice?

11 McKenna reassesses the evidence presented to the Board with the forensic attention to detail invoked by Stuart Macintyre as the benchmark, post-History Wars, for historians intent on substantiating frontier violence. Unlike an official Commonwealth enquiry, the historian does not have to meet the legal burden of proof or standards of evidentiary truth to satisfy a court of law, only to demonstrate that its findings were unsound because it contradicted its own reasoning in arguing, at once, that McKinnon's actions were legally justified, and that he should have ignored his orders and allowed Yokununna to escape (McKenna 2021, 123). McKenna underlines the "laboured equivocation" (123) of the Board and lets the dissenting opinion speak for itself: the "contradictory nature" of the evidence made it "well-nigh impossible to ascertain the real truth", and "the natives were too afraid to give true evidence on any matters affecting the police" (125). The report had been fudged, truth was not served, justice was not delivered.

12 There the historian might have rested his case, were it not for a belated plot twist worthy of a novel. McKinnon's daughter opens her father's papers to McKenna, who steps out of "the protective cocoon of the archive" (McKenna 2021, 197) and into the communicative remembering of family history. The discovery of McKinnon's original logbook for the year 1934 produces a eureka moment: the policeman's account that he had fired on the fugitive with intent to harm, to all intents and purposes a handwritten confession that he had lied to the Board of Enquiry. It is at this point that the story separates into two intertwining strands which speak to the complex heritage of frontier violence and the affective charge it continues to carry: McKenna resolves to break "the uncomfortable truth" to the McKinnon's family (McKenna 2021, 242), and to bring closure to Yokununna's descendants by making arrangements for the repatriation of his remains from the South Australian Museum (244). By this point, the historian has stepped out not just from behind the archive, but from

his conventional academic role, to become an actor in the politics of memory and reconciliation:

> Only after I'd returned home from Uluru in 2020, did I fully appreciate how McKinnon was part of two histories that were hidden, and inseparably entwined, in the landscape of central Australia [...]; he was a key figure in the violent history we'd erased from national memory and, at the same time, a contributor to the powerful myths of the centre we've invented since. He was none of us and all of us. (253) [6]

13 McKenna would be present at the repatriation of Yokununna's remains and reburial by his descendants at Uluru in October 2022, itself a significant outcome of the truth-telling process documented by the land council anthropologist Claire Brereton and two of his senior family members. Brereton observes of their collaboration that:

> [...] family were very interested in learning all that was possible [about Yukun's exhumation] from the written records. In this way, we see the intermingling of oral histories with written histories by Aboriginal people to arrive at the "truth" [...] Primacy is given to oral records; but where they are lacking, oral records are supplemented by written colonial records. (5–6)

14 *Return to Uluru* was heralded by Megan Davis, the chair of the First Nations Constitutional Convention in 2017, as a companion piece to the Uluru Statement of the Heart: "The Uluru Statement seeks to enshrine, as this book does, the ancient polities of this land within the framework of Australian democracy. *Return to Uluru* will form an important part of Australia's truth-telling canon" (2). It wasn't the only new history to unfold in the lee of the monolith and the convention that gathered there. In *Truth Telling: History, Sovereignty and the Uluru Statement* (2021), Henry Reynolds surveys the growth in historical awareness of the past twenty years on the road to Uluru in five stages, from the History Wars and the reconciliation process, through the "writing back" of Aboriginal Australia into its war history (albeit in the restrictive and Anzac-conformist narrative of the "Black Diggers"), and the recognition of the frontier wars of conquest and appropriation, to the "Unfinished business" of reconciliation and constitutional recognition (Reynolds 2021, 11). On the key issue of

sovereignty, Reynolds makes the case that the sovereignty of the First Nations peoples survived the invasion and co-exists with the sovereignty of the Crown. He concedes, nevertheless, that the lasting impact of appeals of the Convention for a First Nations voice in the constitution and a Makarrata Commission [7] for agreement-making and truth-telling, is uncertain and that reconciliation will remain symbolic and ineffectual without further "truth work".

15 Mark McKenna lauded the engagement of *Truth-telling* as "a political call to arms" (Reynolds 2021, 3), but where does the unfinished business of politics leave the historian? In her review of Reynolds's book Sarah Maddison expresses scepticism at the capacity of truth-telling to transform Indigenous-settler relations in the absence of structural change, because it means different things to Indigenous and non-Indigenous people. For the latter, it is an end in itself, the recognition of a past which Australians can put behind them. For the former, it is the prelude to the acknowledgment of sovereignty and a pathway to self-determination. This was before the unequivocal rejection by Australians of the first pillar of the Uluru Statement in the Voice to Parliament referendum of October 2023. The subsequent shelving of the Labor government's plans for a republic referendum 2.0 makes a new constitutional settlement in-the-round a distant prospect at best. The promise of a Makarrata commission on the model of the South African TRC appears to be no longer on the table, at least in the life of the current parliament. The political impact of Uluru remains uncertain. What remains is the validation of Indigenous oral history, the nexus with storytelling (with its attendant ambiguities), and the subtle shift in the burden of proof in public history since the History Wars, mirrored by a jurisprudence which acknowledges "the unnecessarily complex and high benchmark for proving native title" (Strelein 6). It is no longer possible to roll back the growing body of interdisciplinary research dedicated to uncovering Australia's buried frontier histories, or the technological innovations (magnetic gradiometry and ground-penetrating radar) and methodological refinements borne of the collaboration between historians, archeologists, social scientists and geophysicists (Roberts et al.). The ARC-funded Colonial Frontier Massacre Map Project, led at Newcastle University Australia by the late Lyndall Ryan in partnership with *The Guardian Australia* and launched

contemporaneously with the First Nations Convention at Uluru, is perhaps the most high-profile accomplishment. By the time it concluded in 2022 it had documented no less than 438 frontier massacre sites in the period 1780–1930 costing at least 10,657 lives using a methodology adapted, in the absence of a definition in international law, from Jacques Semelin's pioneering scholarship on massacre and the genocidal process, as well as Barbara A. Mann's notion of fractal massacres. [8] The "massacre map" had Ryan's peers reaching for superlatives in their posthumous tributes: [9] it survived her as "a cartographic memorial, a shimmering testimonial to a moral truth which is at once overwhelming and undeniable" (McKenna in Haskins). Forty years after the critical reception of Ryan's PhD thesis, it could be claimed on her behalf that the ambition (advocated by Macintyre) "to compile as full an inventory as possible of the frontier wars", combining new research in massacre studies and digital technology, has produced "sufficient evidence" [10] (Allen 198) to provide the most comprehensive picture to date of systemic violence on Australia's colonial frontier.

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NOTES

1 Ralph Keyes: "In the post-truth era, borders blur between truth and lies, honesty and dishonesty, fiction and nonfiction." (38)

2 Steve Tesich: "In a very fundamental way we, as a free people, have freely decided that we want to live in some post-truth world."

3 Emmanuel Macron: "I don't think [he lied], I know." Malcolm Turnbull: "[…] he did very elaborately and duplicitously deceive France."

4 Reynolds acknowledges the contribution of Australian military historians such as John Connor in bringing to light the major conflicts fought on the frontier in the first half century of settlement.

5 "In less than fifty years, the rock had gone from a lonely monolith that barely registered in the national imagination to the most recognisable symbol of Australia next to the Sydney Opera House and the kangaroo. What had long been the Aṉangu's 'holy place' and 'most sacred spot' had gradually become the entire nation's centre, at once geographical and spiritual." (McKenna 2021, 174)

6 A phrase which echoes prime minister Paul Keating's "Unknown Soldier speech" of 11 November 1993, "He is all of them. And he is one of us", in counterpoint to the Anzac tradition.

7 A Yolngu term meaning "the coming together after a struggle".

8 The killing of 30% of a hunter/forager group, or 6 in 20 people.

9 Vale Emerita Professor Lyndall Ryan (14 April 1943–30 April 2024).

10 The Colonial Frontiers Massacres project team applied the legal notion of "sufficiency of evidence" to record only those massacres that could be substantiated from convergent sources.

ABSTRACTS

English

The intensification of efforts since the turn of the millenium to uncover and map sites where massacres of indigenous Australians are said to have taken place during the frontier wars participate in what Mark McKenna calls "Australia's moment of truth"—the culmination of the work of diverse agencies to recover "forgotten" histories and remake Australia's national narrative by coming to terms with its violent colonial past. Yet, substantiating violence and dispossession that is shrouded in centuries of forgetting and denial continues to prove problematical and controversial in the wake of the History Wars. Faced with the challenges of gathering irrefutable evidence, authors have turned to historical fiction or literary memoir to probe frontier massacres, and historians to archeology and the earth sciences to supplement and proof-test scarce sources. Can forensic science and GIS be trusted to provide corroboration "when the truth may only be ashes and dust", or are shifting burdens and standards of historical proof gradually reframing the national story?

Français

L'intensification des efforts déployés depuis le tournant du millénaire visant à découvrir et cartographier les sites où des massacres d'Australiens indigènes auraient eu lieu pendant les guerres frontalières participe à ce que Mark McKenna appelle « l'heure de vérité de l'Australie » consacrant le

travail de divers acteurs civiques pour désenterrer des histoires « oubliées » et réécrire le récit national australien en faisant la lumière sur son passé violent. Pourtant, révéler la violence et la dépossession enveloppées dans des siècles d'oubli et de déni continue à poser des problèmes et à susciter la controverse dans le sillage des guerres de la mémoire. Face à la difficulté d'établir les faits, des auteurs se sont tournés vers la fiction historique ou les mémoires littéraires pour sonder les sombres recoins des lieux de massacres, et des historiens vers l'archéologie et les sciences de la terre pour compléter et tester des sources limitées. Peut-on faire confiance à la science médico-légale ou au SIG pour trouver des éléments de preuve « lorsque la vérité n'est que cendres et poussière », ou bien s'agit-il de recadrer progressivement l'histoire nationale grâce à une réévaluation des modes de preuve ?

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Mots-clés
Australie postcoloniale, histoire autochtone, post-vérité, expression de la vérité, récits nationaux, historiographie, charge de la preuve, critères d'authenticité de la preuve

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post-colonial Australia, indigenous history, post-truth, truth-telling, national narratives, historiography, burden of proof, standards of evidence

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