

**Bain Attwood, 'Treating the past: narratives of possession and dispossession in a settler community', paper for Storied Communities: Narratives of Contact and Arrival in Constituting Political Community
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In recent decades settler societies such as Australia, Canada and New Zealand have had to confront a critical question: how to explain their *arriviste* foundations which lie in large part in the appropriation of an aboriginal people's land and which resulted in their displacement and destruction? This, of course, is not a novel problem in national consciousness: in the beginning, the British colonisers found it necessary to create a morality tale about their imperial venture. As one historian has remarked: 'Conquerors feel more comfortable believing they are entitled to the benefits, the acquisitions — territorial or economic — that have come their way'. This is so because nations are constructed as moral communities. It is this that gives nations their legitimacy. Narratives play a crucial role in this regard. This is so because the deepest truths people and peoples tell about themselves are articulated not in the form of philosophical principles or scientific axioms but in narratives.¹

Over twenty years ago, Benedict Anderson famously observed that people largely acquire their sense of belonging together in a national community through the telling, hearing and seeing of stories about the nation, but he also pointed out that these narratives are the primary reason why nations have come to command 'profound emotional legitimacy'. Narratives command cultural legitimacy, students of narrative contend, because they are fundamentally normative in nature. They perform this function, it has been suggested, where they accrue over time until they eventually form a corpus of connected and shared tales in which peoples locate themselves, thereby creating what we can call a culture or a community.²

Historical narratives have played a particularly important role in the case of nations because most such communities are not ancient but new. Historical narratives (or history) create a sense of continuity, if not legitimacy, for *arriviste* polities and peoples by telling highly coloured stories about their origins and rise. Here, of course, we must observe that any given nation is comprised of a range of social groups that are constituted by, and constitute, *different* 'memory communities' or 'storied communities'; and we must ask who has wanted to remember what and why, or, more to the point perhaps, who has wanted to forget and why. 'Forgetting', Ernest Renan observed in his famous essay, 'is a crucial factor in the creation of a nation'. As such, any account of a nation's narrative accrual must consider what one historian has called 'the social organisation of forgetting, the rules of exclusion, suppression or repression'.³

In this paper, I will consider an Australian example of this phenomenon: a story I shall call the Batman legend. My approach is informed by several premises regarding the nature of narrative. Most of these will have already become evident, and a few more will become so. One, though, probably warrants some explication here. Several philosophers of history and literary theorists have argued that events or experience do not assume the form of narrative until a story is told about them, and so they contend that stories are never actually lived.

Phenomenologists, however, reject this. They argue that narrative has a practical function, being the primary way we human beings organise our lives, and so they contend that much of what happens in the world is really a dramatic enactment of some story or other that someone has already told. As David Carr observes: ‘Sometimes, we must change the story to accommodate the events; [but] sometimes we change the events, by acting, to accommodate the story’.⁴

Legitimising possession

In the course of the nineteenth century British colonisers won the battle for land in the Australian colonies, in large part because they had greater power than the aboriginal owners. Unlike what occurred in most British colonies of settlement or settler colonies, the *arriviste* polity simply asserted its sovereign authority and took the land, at no point acknowledging that the aboriginal people had any sovereign status or rights to property. As a shrewd commentator, Godfrey Charles Mundy, pointed out in 1852: ‘The political relation of the White race and the Australian blacks, with reference to the possession of the country by the former, is peculiar to itself. We hold it neither by inheritance, by purchase, nor by conquest, but by a sort of gradual eviction ... [T]he natural owners of the soil are thrust back without treaty, bargain or apology’.⁵

Nevertheless, British settlers still found it necessary to persuade themselves and others that the land they had seized was rightfully and thus truly their possession. Consequently, a rationale for possession had to be invented. This came in the form of a range of stories, some of which were legal, of course, because the law plays such an important role in creating boundaries between what is deemed to be legitimate and what is not. The narrative that accrued over time (which has come to be known in recent times as ‘terra nullius’)⁶ was an appropriately fantasmatic story given that it had to rationalise the irrational.⁷ As an Australian anthropologist W.E.H. Stanner observed in 1968: ‘All land in Australia is held in consequence of an assumption so large, grand and remote from actuality that it had best be called royal, which is exactly what it was. The continent ... was held to be disposable because it was assumed to be “waste and desert” [or “waste” and “unoccupied”]’.⁸

There was at least one point in time, though, when this legal fiction was challenged by settlers. In 1835, in the Port Phillip District of New South Wales, a man called John Batman, who was the agent of a company of merchants, pastoralists and government officials from Van Diemen’s Land (now Tasmania), forged a purchase agreement with the local aboriginal people, whereby the Port Phillip Association purported to have purchased 500,000 acres of the Kulin’s land in an area which later became the city of Melbourne. The Association’s purchase, which quickly came to be narrated as a treaty, was repudiated more or less immediately by the colonial and imperial governments, perhaps sensibly so because it would have afforded the aboriginal people little protection from the settler invasion of their lands which soon began. Nevertheless, as Stanner pointed out: ‘It can at least be said for Batman that he acknowledged that the land *had* possessors; he also treated with them as principals; he came to agreed terms — an immediate consideration, and a yearly rent or tribute (two ideas which we have not heard of since); and he sealed the bargain by a sign the aborigines understood’ (the aboriginal people passed to Batman a lump of soil, symbolic of

the land allegedly being transferred). This was probably the last affair of its kind. Once government repudiated the purchase, few if any settlers sought to emulate it. Thereafter, Stanner suggested, the principle of gaining the consent of the aboriginal people to the transfer of land ‘was buried at the very centre’ of ‘the great Australian silence’, by which Stanner meant a ‘cult of disremembering’ which comprised ‘the things we were unconsciously resolved not to discuss with [the aboriginal people] or treat with them about, the story, in short, of the unacknowledged relations between two racial groups within a single field of life’.⁹

As Stanner implies here (by using the term ‘unconscious’), there remained an unease about the basis of British possession. To persuade themselves that the land was rightfully their possession, settlers told *histories*, just as they had before and during their original dispossession of the aboriginal owners of the land. In other words, the fundamental work of possession — and thus dispossession — occurred *in* and *through* historical narratives. This means that that historical narratives should be seen not so much as representing possession and dispossession as *representing* or reenacting it. In other words, telling historical narratives — and they *did* prove telling — was another means of conquering. It was continuous with, and it continued, the original work of possession and dispossession.

I call all these stories histories because these narratives were historical in the sense that they invented a particular relationship between the aboriginal people and themselves (the *arriviste*), and between the two peoples and the space of the country (and thus the land), in terms that were fundamentally *temporal* in nature. As we shall see, settlers created for themselves a sense of place, which is to say a right to the place, by claiming a relationship to the ‘past’, ‘present’ and ‘future’ which was radically different to the one they constructed for the aboriginal people. Following Johannes Fabian, we can argue that ‘geopolitics’ — a politics of place — was grounded in ‘chronopolitics’ — a politics of time. Indeed, these two forms of settler politics were indivisible.¹⁰

During the nineteenth century, various kinds of stories — or various genres of narrative — were deployed in the work of possession, and so in our consideration of the construction of national communities we must attend not only to the role of narrative generally but to the role played by its particular genres more especially. (This is one of the main points I want to advance in this paper.) Narrative genres, Jerome Bruner has suggested, are ways of guiding how we might use our minds in a particular way; that is, they are ‘invitations to a particular style of epistemology’, invitations to a particular way of knowing the world and validating that knowledge. (As one writer has put it: ‘[We] do epistemology all the time — as when [we] assess the likely truth of a rich piece of gossip’.)¹¹

At first, settler narrators had little choice but to draw upon biblical and classical texts, and tragedies and romances, for their work of possession. Later, though, they turned to a narrative genre that was once a branch of literature but which became a more distinctive, formalised way of telling a story in the course of the nineteenth century, namely history. As history emerged as an autonomous discourse, it defined who and what could be considered ‘history’ and who and what could not. It thus played a major role in constituting the storied community of the nation by drawing a boundary between the *arriviste* on the one hand and

the aboriginal people on the other, including the former and excluding the latter. Indeed, it can probably be argued that the rise of a new conception of history in settler societies was inextricably tied up with this project.¹²

Turning now to the formation of the Batman legend, a word or two about the nation I am considering is in order. By the mid nineteenth century, nationalism or nationhood in the Australian colonies was being defined in three ways. For most people, the primary locus of national sentiment was not Australia but Britain and one of its colonies. In the case I am considering, settlers identified themselves primarily as British and Victorian. (The Port Phillip District became Victoria after it broke away from New South Wales in 1851.) This strong imperial and colonial sense of nationhood has been overlooked by historians preoccupied with the rise of the Australian nation but this was a much less important source of identification in the mid and late nineteenth century and this remained the case for some time, even after the creation of the Australian nation state in 1901. We must keep this in mind, because the construction of national communities occurred first in these more local or regional nations rather than in the nations we now take for granted.¹³

Creating a legend

The creation of the Batman legend, like any legend, required a considerable amount of work. By the 1850s, the name of John Batman was largely being forgotten in Victoria: he had not played a significant role in the process of colonisation which followed the Port Phillip Association's 'treaty-making'; he had died in rather ignominious circumstances in 1839; and his family had faded into obscurity following the deaths of his only son and his estranged wife. However, he eventually became a major historical figure, thanks largely to the writings of an impoverished colonial schoolmaster, James Bonwick. The legend he created in the 1850s and 1860s had a profound influence on the way in which Batman was remembered by generations of Victorians over the next hundred years.

Significantly, Bonwick was drawn to becoming a colonial historian by the tragically traumatic and the romantically redemptive stories he had heard about the frontier conflict that occurred between settlers and aborigines in Van Diemen's Land in the 1820s. According to his own account, the original spur was an encounter in 1841 with a colonial painter, Benjamin Duterrau, and a history painting of his, 'The Reconciliation'. Bonwick was moved not only by the historical figures of the benighted aboriginal people but by those of the putative rescuers or redeemers who sought to represent them (in both senses of that word), not least of whom was the history painter himself. This encounter (or narrative) initially compelled him to tell the story of the 'black war' in Van Diemen's Land but it later drew him to tell a story about Batman's treaty and hence Batman. (Bonwick related his encounter with Batman's name in the same terms as he told the story of his genesis as a historian.) Bonwick saw this as a way of resolving the fundamental moral dilemma of colonial history: the fact that British possession was marred by the manner in which the British had appropriated the land. Thus, in Bonwick's hands, the story of Batman's treaty was a means of legitimating the British conquest, just as it had been the narrative tool that Batman and the Port Phillip Association had originally adopted to legitimise their claim of possession.¹⁴

The nature of Bonwick's work was not only shaped by the residue of the history (in both senses of the word) he encountered in Van Diemen's Land but the manner in which he conducted his research. He consciously tried to distinguish his work from partisan writers by using the written record of the past wherever he could recover this, but he actually placed more store by his personal acquaintance with those who had made history rather than any historical record of the past. His work was based to a considerable degree on what he called 'oral testimony' or what we might call 'oral history'. Consequently, books such as his *The Last of the Tasmanians* teem with stories of the violence, both black and white, wrought on the colonial frontier.¹⁵

The most important influence on Bonwick's work, however, was probably the narrative conventions of his day. His writing reflected the major shift that had occurred in historical thought and literature during the eighteenth century, namely a growing preference to evoke the past as close (rather than distant) and to identify sympathetically with its protagonists and events (which was an orientation that in an earlier time had been associated with the genres of biography and memoir). More importantly in the context of my discussion here, Bonwick was well versed in the tradition of the heroic epic and the myths of the Greek and Roman classics and the bible. These influenced the way he emplotted the past because they provided a range of themes which could be readily adopted for the work of possession, those themes being the journey, the founding, the battle and the treaty. In these themes, one historian has pointed out, the new nation derives its legitimacy from the heroic acts of those who voyaged to the 'new land', who founded a settlement, and who conquered or made peace with the aboriginal people.¹⁶

In the first of these themes, voyages of discovery were cast by colonial historians as the origin of the 'new land'. Figures were endowed with the legendary aura of Jason and the Argonauts or Moses and the Israelites. They were treated as the heroic forerunners of thousands of other voyagers who later peopled the 'new land'. (As we will see later, this broad theme has proven to be highly durable.) In the second theme, an occurrence in the colony's past, such as the choosing of a place, was constructed as the moment of its founding. Here, founding figures, nearly always men, were invested with heroic qualities that were somehow transmitted to the colonies or the cities they had fathered. In the third theme, pioneering figures either conquered the aboriginal people or conciliated them by acting benevolently. Treaty-making was a common part of the latter story and it typically claimed the consent of the aboriginal people to what amounted to their dispossession. Bonwick deployed all these mythic themes in his work on Batman and Victoria. In doing so, he drew on American versions of these narratives, particularly the famous stories of Daniel Boone and William Penn, and Australian versions, particularly the accounts originally created by Batman and the Port Phillip Association. Bonwick told of Batman's voyage to Port Phillip and his surveying of the land there, his choosing of 'the place for a village' on the Yarra River, and his making of a 'treaty' with the local Aboriginal 'chiefs'.¹⁷

Mythic narratives such as those employed by Bonwick performed the work of possession in large part because they are typically preoccupied with origins. Origins are held to determine what happens later. This conviction draws upon an assumption regarding time, namely

that history necessarily has a purposeful direction or telos. In the case of nations, they were deemed at this time to have a destiny that was the result of heroic deeds performed at the beginning. It was the task of the historical writer to commemorate these and to celebrate their creators. To do this they often focused on a rite or ceremony of possession: the choosing of a place, the raising of a flag, the reading of a proclamation. These were utterances — speech acts — that made jurisdictional claims that were central to a national community's defining of itself and its place in the 'new land'.

These mythic narratives obviously served to legitimate possession in different ways. As I have already remarked, Bonwick was drawn to commemorate Batman as the founder of Victoria because he was troubled by the means by which the British had dispossessed the aboriginal people. He knew that the aborigines had a sense of property rights and that the British government had refused to respect these even though it had acknowledged Maori rights to land in New Zealand (as per the Treaty of Waitangi) at much the same time (1840). Yet, it must be emphasised that Bonwick was more concerned to salvage the honour of the British than he was to uphold any aboriginal rights to land. Indeed, this was the point of his remembering the treaty: he recounted the story of Batman and his treaty primarily because he saw this story of an honourable beginning for the nation as a means of resolving the problem bedeviling British settlement — the dispossession of the aboriginal people without consent or compensation — rather than redressing this injustice. (This means, of course, that we today should not claim the stories of colonial historians such as Bonwick as part of a historical tradition that legitimates contemporary settler narratives in support of a 'postcolonial' nation.)¹⁸

Yet, a treaty was a problematic foundational history for an Australian settler nation. Few wanted to read or hear it: since the treaty obviously entailed an acknowledgement of the status of aboriginal people as the owners of the land, it threatened to draw attention to the fact that all of the land had been stolen in the Australian colonies; the way in which the treaty had been made (most importantly it was apparent that the aboriginal people could not have understood it in the same way the putative purchasers of their land did) reflected troubling aspects of the colonial encounter *per se*; and nobody was ever able to prove where the treaty-making had actually taken place. In short, for the vast majority of settlers, historical discussions of the treaty merely served to deepen their ambivalence about the nature of their possession rather than to dissolve the moral problem caused by the memory of aboriginal dispossession. (This is not surprising: telling stories can create a sense of order but they cannot resolve a sense of the uncanny or *unheimlich*.) This does not mean, it must be emphasised, that the story of the treaty was not told. On the contrary, the treaty proved to be a ghostly presence in colonial history. It shadowed the story of possession told in most history books, becoming the most powerful symbol of a historical reality — that aboriginal people *were* the rightful owners of the land — that no amount of settler history making could repress.

Consequently, the treaty story was frequently told in a tendentious comic mode. By ridiculing Batman's treaty, story-tellers knowingly or unknowingly sought to circumvent the obstacle the problematic knowledge it represented. Indeed, relating 'funny stories' about the treaty became a conventional way of relating to the history of (dis)possession.

Other narrative genres were also adopted as a means to discard the treaty. Many writers treated its making as a romantic episode or a picturesque scene in the chronicles of the Australian past, thereby implying that it was a past which had no real connection to their present. Likewise, it was commonplace to describe the treaty as ‘celebrated’, ‘memorable’ and ‘famous’. This, too, served to create a sense of historical distance. The deed itself, frequently reproduced in history books, was often called a curiosity and a relic, which was to say that it was part of a past that was allegedly no longer continuous with the present.¹⁹

A foundational history

The historical work of possession was undertaken more ably by that other mythic narrative: founding. This bestowed legitimacy largely by creating imaginary relationships between their characters and the past and the present (and future). This had several, inter-related dimensions, all of which were informed by the premise that settlers, not aboriginal peoples, were the real subjects of history. History came to be defined at this time, not least in the colonial context, as the story of change, and settlers rather than aborigines were regarded as the agents of this. History was thus held to start when the settlers came, and so settler historical narratives began with the coming of the whites. By dint of this simple assumption, foundational history tended to undermine any sense of priority, and thus entitlement to possession, that might have been accorded to the aboriginal people had the historical narrative started at an earlier time, namely one when it was obvious that aborigines were in place and the settlers were not. Any aboriginal claim to possession on the grounds of primordality was traduced by another historical premise, namely that aboriginal people were inherently primitive. This owed much to a theory, now often called stadial history, which held that there was a natural course of history whereby human societies evolved from the state of nature in antiquity to the modern world; that peoples such as aborigines represented this antiquity; and that ancient peoples were hunters and gatherers who had no real sense of property and that these rights of possession were only created when people became pastoralists and agriculturalists. In other words, it held that the land of hunters and gatherers had not been appropriated — that it had no prior owners — and so could simply be claimed by pastoralists and agriculturalists.²⁰ More particularly, foundational history legitimised settler possession by telling a story of progress about its transformation. In these ways, foundational history asserted: This land was created by us, therefore it is ours. By means of such stories, the consciences of settlers were settled more readily than the land itself had been.

In the 1880s the legend of Batman as a founder of a colony (Victoria) or of a city (Melbourne) began to gain a considerable following as it increasingly acquired the characteristics of a foundational history. Founding myths, as I have noted, typically focused on a ceremony of possession of some kind or another, and this is what I will focus upon here. In the Batman legend created by Bonwick the treaty had made up this ceremony. However, Bonwick had pointed towards another possibility when he highlighted a phrase in Batman’s journal: ‘This will be the place for a village’. To begin a consideration of the historical significance of this phrase — by which I mean its role in the making of a historical narrative — it is useful to note the original context in which it appeared. After Batman had

made his land purchase ‘agreement’ he had hastened back to his boat so he could promptly return to Van Diemen’s Land to put in train the Port Phillip Association’s plan to colonise Port Phillip, but he had been forced to postpone his departure. He wrote in his journal: ‘The wind foul this morning for Indenture Head — we tried but could not get out of the River — The Boat [i.e. a rowboat] went up the large River I have spoken of which comes from the East, and I am glad to state about six miles up found the River all good water, and very deep — this will be the place for a Village — *The Natives on shore*’. Since the Port Phillip Association was seeking to form a colony for pastoral purposes, Batman probably had in mind a village of the kind large pastoral holdings had formed in Van Diemen’s Land (even though a village was one of the key characteristics of British society and founding one made a symbolic claim for possession in much the same way that planting garden or building a house did), but whatever the case it is apparent that this journey up the river had occurred accidentally. However, soon after Bonwick had restored Batman to public memory, the publisher of an edition of Batman’s journal amended the journal entry so that he had Batman performing the heroic act of founding the city of Melbourne by travelling up the Yarra River himself and choosing ‘the place for the future village’.²¹

In the context of this narrative, rather than the narrative in which it originally appeared, the utterance or speech act attributed to Batman arguably performed its historical work as a rite of possession in several ways. ‘This will be *the place* for a village’ was an act of naming that made no reference to the place being aboriginal. Its very silence regarding this suggested that the aboriginal people had no historical presence there and so it served to displace them: they were no longer ‘on shore’ so to speak. The place ‘for a village’ could thus become an empty space that could be possessed by settlers. In other words, ‘This will be the place for a village’ repeated the very way settlers had originally laid claim to possession of the land and so it was a re-enactment of this.²²

‘This will be the place for *a village*’ performed the work of possession because ‘village’, and even more so the ‘city’ to which it was attached here, was probably *the* symbol of civilisation at this time. ‘The rise of civilisation’ was a widely used rationale for settler possession of the land and the dispossession of the aboriginal people. ‘This will be the place for *a village*’ was an unambiguous statement of possession because it had long been assumed by most settlers that aboriginal people had never created villages; in fact this was one of the reasons why settlers had originally claimed that the aboriginal people exercised no dominion over the land and so could not be regarded as sovereign polities. Villages were associated with the planting of gardens, the construction of fences, and the building of houses, all of which were ways of marking the land as the object of cultivation and agriculture and distinguishing it from a wilderness. Calling a place a village, therefore, separated it from aboriginal ‘waste’ lands, drawing a line between a civilised community, the settlers, and savage groups, the aboriginal people. ‘This will be the place for *a village*’ undoubtedly claimed the place as English as well. ‘Village’ was a word that conjured up the sense of an English place and so it helped to make settlers feel as though they were at home rather than being the strangers they were, and that this was their home rather than being that of another people’s. Moreover, in an era when large numbers of British people had had to abandon their villages for the cities or for countries overseas, ‘village’ had become a symbol

of the past, and so the word bestowed upon white settlement here a feeling of historical depth it otherwise simply lacked.

Lastly, ‘This *will be* the place for a village’ performed the work of possession because it became a historical prophecy. This utterance suggested that the rise of the city and thus British civilisation in this place was preordained, that this history could not have happened in any other way than it did. In this, as so often in the case of myth, a consequence that had never been considered, namely a city, was turned into a conscious aim, namely founding one, as though the main purpose of a heroic figure, namely Batman, was to bring about the present, the present of the current historical narrator. As this suggests, ‘This *will be* the place for a village’ was informed by a particular notion of how history itself worked. As another historian has noted, singular individuals were regarded as the voices of time, imaginatively foreshadowing a history before it had happened. Like the soothsayer, they foresaw the future but they do not have to actually bring about what they announced: their visionary words were sufficient to determine the course of history. In this conception of history, the role of the historical writer was to recover and repeat what a prophetic figure had allegedly had to say: ‘This will be the place for a village’.²³

Foundational narratives not only performed their work by literary means. Had they done so, it is doubtful they would have had as much influence as they came to have. In the early 1880s a major campaign to re-member Batman as the founder of the city, led by an antiquarian called J.J. Shillinglaw, led to a memorial being erected over what purported to be Batman’s grave in the ‘Old Melbourne Cemetery’. This legend was inscribed on the memorial tombstone: ‘[Batman] entered Port Phillip Heads 29th May 1835 as leader of an expedition which he had organised in Launceston V.D.L. to form a settlement and founded one on the site of Melbourne then unoccupied’. The memorial was unveiled on the day in which Batman had allegedly chosen the site of the city, not the day he had made the treaty, and the ceremony at the unveiling focused on ‘This will be the place for a village’. Aboriginal men had been amongst the mourners at Batman’s funeral and had followed his coffin to the cemetery but none were present at this ritual of possession to remind the settlers that they had stolen their land.²⁴

‘This will be the place for a village’ was not only told by the memorial tombstone but was rapidly narrated in other visual forms as well. The role of images in forming historical narratives and creating a storied community is enormously important, of course. As Peter Burke has noted, ‘[p]ractitioners of the so-called “art of memory”, from classical antiquity to the Renaissance, emphasised the value of associating whatever one wanted to remember with striking images’. In many cases, the images that were made to assist in the retention and transmission of memories were imaginary. This was not only true of ‘This will be the place for a village’ since at the same time this narrative was first created visually a portrait of Batman was constructed. This was essential for a heroic history. There was a time-honoured assumption that portraits could convey the nature of their subjects; this was so because it was held that physiognomy was an actual expression of character. No portrait of Batman had been created during his lifetime, and so his countenance had to be invented. To do this, an artist simply turned to a historical painting which had previously invented an appearance for Batman (and which seemed to have followed Duterrau’s modelling of the

hero in ‘The Conciliation’) and copied it. For several decades, these powerful imaginary images — of Batman choosing ‘the place for a village’ and Batman himself — were frequently reproduced in newspapers, journals and books. Their proliferation reached a peak in the centennial celebration of settlement in 1934-35 when they appeared on commemorative medals and souvenirs of several kinds, and in a procession and a fireworks display. (Images of the treaty-making were similarly created during this period, but these were seldom reproduced in popular media.)²⁵

Making history, making national communities

Let us return, though, to the 1880s and to the changes in both historical consciousness and historical discourse which had occurred by this time and which helped to embed a particular historical narrative. History in settler societies was increasingly defined as the story of dynamic change over time. It was increasingly assumed that the course of history was progressive rather than cyclical: the present would repeatedly break from an oppressive past rather than the past being repeated in the present as the result of societies rising and falling. Arguably, settler representations of aboriginal people played a critical role in the emergence of this new historical consciousness. As dynamic and linear change were constructed as the touchstones of history, aborigines were constructed as peoples who were unchanging or declining. More particularly, as new theories of time were constructed in the natural sciences, it was asserted that aboriginal people were doomed to extinction. Steven Conn has argued in respect of the United States that settlers projected the historical narrative of repeating cycles of history, of rise and decline, onto Native Americans, thereby creating a discursive space that could be filled by a linear narrative of progress for themselves. The very notion of settler progress was thus dependent on a notion of aboriginal decline.²⁶

Alongside this change in historical consciousness ran epistemological changes in the genres of historical writing, which resulted in the formalisation of history as a distinctive practice. In settler societies at any rate, settler representations of aboriginal peoples were at the centre of this shift, too. Aboriginal peoples were essentially placed outside the boundaries of history. This occurred for two reasons. First, history was defined by settlers as a study of change, particularly progress. As such, they held that peoples who they defined as ancient, unchanging and regressive could not be regarded as proper historical subjects. (Instead, they were to become the principal subjects of other, new disciplines: anthropology, linguistics and prehistory.) Second, history was defined by settlers as a literary study based on written records, which meant that peoples who allegedly did not create any written traces could not be the proper subject of history. Aboriginal peoples’ oral narratives were regarded as something other than history: what we might call, after Dipesh Chakrabarty, ‘subaltern pasts’. The definition of history as a literary enterprise not only meant that the past of aboriginal peoples could not be regarded as history; it also meant that aboriginal peoples could not represent themselves historically. As part and parcel of these changes in the historical discourse, it was increasingly held that only work done at some cognitive and emotional distance from the past could ensure true history.²⁷

These changes are apparent in the work done by historical writers in the Australian colonies from the 1870s, such as the Victorian historian Alexander Sutherland. He told a story of

progress, celebrating figures such as Batman for their role in converting a wilderness into a prosperous colony, and casting aside the tragic vein that characterised the work of a writer such as Bonwick. He relied on the written historical record, rejecting oral testimony and the like as historical evidence. As a result, frontier violence and its role in destroying and dispossessing aboriginal people was largely removed from serious consideration. Most of all, Sutherland found comfort in the conviction that the aboriginal people had no future. They had once been the lords of the soil but were steadily but surely dying out. As such, the moral problem bedeviling possession had been settled.²⁸

Making places, taking places

In the late nineteenth and early twentieth centuries, the work of possession continued in an upsurge of historical activity among settler Australians. Records were preserved, societies founded, relics collected, narratives penned, holidays created, curricula drawn up, and children instructed. Most importantly, monuments and memorials were made, and rituals of commemoration were held, at the particular places where founding acts were deemed to have occurred. By these means, these places became what Pierre Nora would call *lieux de mémoire* (sites of memory), places through and by which the past was re-membered.²⁹

In the case of the Batman legend, the Historical Society of Victoria sought to create a permanent memorial to his name, which really meant, of course, a memorial to the legend forged earlier. In 1913 it persuaded the Melbourne City Council to change the name of road running alongside the Yarra River and into the city to 'Batman Avenue', an act which obviously created a mnemonic device for Batman's rite of possession, since it assisted in remembering the legendary journey he had made in choosing 'the place for a village', but which might also have erased whatever trace of aboriginal possession had been remembered in the former name, 'Yarra Bank Road', 'Yarra' allegedly being the local aboriginal people's name for the river. This was furthered several years later when the 'Old Melbourne Cemetery' was abandoned and the memorial over Batman's putative grave, which included the legend regarding the unoccupied land, was moved to a corner on Batman Avenue.³⁰

At more or less the same time, a replica of this memorial was erected over Batman's putative remains in the new cemetery for the city, though here a legend was inscribed that combined both of Batman's ceremonies of possession: 'On 6th June 1835 Batman entered into a treaty with Aboriginal natives for the purchase of the land and on the 8th of the same month he stood on the site of Melbourne concerning which he wrote: "This will be the place for a village"'. This was unveiled in 1924 on 'Foundation Day' or what later became Australia Day.³¹

The following year, a memorial stone was created on the pavement of a city street near the Yarra River. It read: 'John Batman landed near this spot June 1835 "This will be the place for a village"'. The principal backer of this memorial celebrated Batman as the only native-born to found a colony in Australia, 'native' being a term that had been appropriated by colonials and which served to displace any recollection of aboriginal people as the indigenous peoples. In contrast to the Historical Society's willingness to create memorials for Batman's 'place for a village', it was reluctant to support calls for a memorial to

Batman's other ritual of possession. One of its principal officers apparently rejected the proposal on the grounds that no one really knew where the treaty had been made, though doubts about where Batman had journeyed on the Yarra or whether he had even made such a journey had not dissuaded another of its officers from overseeing the installation of the memorial stone for 'This will be the place for a village'.³²

The story of Batman's treaty was largely promoted in the 1920s and 1930s by an organisation called the Old Pioneers' Memorial Union, led by Isaac Selby, an eccentric man who made his living as a political and historical organiser and lecturer. He accepted Bonwick's account of Batman only to embellish it. Above all else, he regarded Batman as a humanitarian. The treaty was central to this embrace of Batman as a founding father. 'Real empire comes not by war but by social contract', he argued; 'Blackstone laid it down as part of British law that we must buy the territory of the natives ... [W]hen John Batman bought 600,000 acres from the tribes around Port Phillip he took the only course open to a true builder of empire'. This said, Selby described Batman as a conqueror of a wilderness and aboriginal people as a primitive race doomed to extinction. Selby kept the legends of Batman and his treaty before the public by organising an annual commemorative service on 'Foundation Day'. Held in the new cemetery, Batman's grave was treated as though it was sacred ground, and the commemorations became known as pilgrimages.³³

Celebrating a centenary

The celebration of foundation history, including the Batman legend, reached its peak in Victoria during the centennial celebrations of white settlement in 1934-35. 'This will be the place for a village' was emblazoned on several commemorative forms, including a poster created for the National Travel Association. This featured Batman's rite of possession 'This will be the place for a village' by picturing a gigantic, ghostly figure who had returned from the past to stand on the banks of the Yarra River and survey the contemporary city in 'the place for a village'. To understand the power of this, we must understand how it worked as a spectacle pleasuring its viewers. Batman had his back to the viewer and so the viewer saw what he was seeing and was invited to adopt his perspective as the founding, pioneering father. As Batman looked upon the city his village had become — a metonym for modern Australia — and uttered his famous words — 'This will be the place for a village' — the viewer was able to assume that the city was the outcome of his foresight and to presume that they had fulfilled his prophecy. The settler past and the settler present thereby sanctioned one another in a typically teleological fashion, thus legitimising settler possession of the place. Another commemorative image produced for the Victorian centenary — a postage stamp rather than a poster — presented the same narrative but had the aboriginal people sanctioning their own dispossession by figuring a primitive aboriginal man returning from the past to stand on the banks of Yarra River and survey the modern city, just as Batman had in the poster.

This scene was in turn repeated in an account of the closing ceremony of the centenary celebrations, which itself was a fireworks display that featured another spectacle of the narrative 'This will be the place for a village'. A newspaper reporter claimed to have observed an aboriginal man (who had apparently come to Melbourne several months earlier

for the celebrations) watching on the banks of the Yarra, and he wrote: 'A centenary had passed and his race had all but disappeared. In a minute he was lost in the darkness which momentarily descended as the men on fireworks staging prepared for the last act of their drama'.³⁴

Lest my reading of these representations seem far fetched, let it be noted that in 1938 (which was celebrated as the sesquicentenary of white settlement in Australia), a humanitarian campaigner for rights for aborigines, Edith Jones, observed:

Perhaps no more effective picture of [the aboriginal] condition can be given than that unwittingly supplied by the special postage stamp issued in 1934 to celebrate the centenary of the State of Victoria. Upon it is depicted a stalwart, dark-skinned, naked native leaning on his ten-foot wooden spear, while he gazes yearningly across the River Yarra to the homeland of his ancestors now the beautiful city of a million white Australians. He may not enter there. He does not own one foot of land, apart from reserves, anywhere in the great island continent.³⁵

History's shadow

It seems that the settler legend of Batman had been shadowed for a long time by an aboriginal perspective such as the one Jones narrated. This was evident in the wake of another commemoration of settler possession the previous year in Melbourne. In January 1937 Selby's Old Pioneers' Memorial Union and the Footscray Historical Society joined forces for the Union's annual 'Foundation Day' celebration of Batman and the pioneer settlers. Much of this took the usual form of these commemorative services but it included a historical pageant in which Batman's 'discovery' of the Yarra River was performed. Members of the Australian Aborigines' League, the most important pre-war aboriginal political organisation, agreed to participate by leading the singing in the service and playing the role of the aborigines in the pageant. They would have done this with some misgivings, but the occasion turned out to be worse than they had anticipated.

In front of an audience of some 2,000 people, the pageant descended into a farce, as historical pageants often threaten to do, but it was the speeches that caused most dismay among members of the League. Much of Selby's own speech, on 'Batman, an Empire Builder', would have been welcomed by the League. He apparently claimed that Batman was atypical of one of 'the type called Empire Builders'. 'When [he] came to what is now Victoria, he found the aborigines in possession. While the usual policy had been to push out the aboriginal and to possess his lands, Batman felt there was room for both, and negotiated for the land he wanted. The unique treaty will stand as a monument to a fine gentleman.' The address by the Australian Natives Association's chief president G.R. Holland, however, angered the members of the League. Holland proclaimed the wisdom of historical commemorations such as this one since it provided an opportunity for Australians to remember that their forebears had laid down the foundations of a fine policy: 'white Australia'.³⁶

A few days later, the League's secretary, William Cooper, sent a letter of protest to Selby. He complained: The members of the League had been regaled by an address on the White Australia policy in which there had been no mention of aboriginal people whatsoever. Moreover, they had been called upon to celebrate the anniversary of British colonisation which had been a disaster for their forebears: 'what is a memorial of the coming of the Whites is a memorial of death to us'. Cooper gave a very different account of the past to the one to which they had been subjected: Aborigines were here before the whites and their coming had caused extermination, which had taken the form of shootings, poisoning and the like. (Later in the year, in an interview with a *Herald* journalist, Cooper would remark of aboriginal people: 'They have a horror and fear of extermination. It is in the blood, the racial memory, which recalls the terrible things done to them in years gone by'.) The crimes of those days of the frontier had ended, but Aborigines had since been oppressed. In particular they had suffered discrimination. Indeed, they were still barred from the rights enjoyed by other Australians. The White Australia policy was responsible for this. Cooper not only wanted to put the Australian Natives Association and the Old Pioneers' Memorial Union right historically, though. He wanted the fate of aboriginal people remembered on such commemorative occasions in the future: 'I am writing to suggest that in future gatherings the notice of the white people be called to the residue [of aborigines], left after the white man satiated himself in the blood of the aboriginal'.³⁷

In the wake of this, Selby's Union and Cooper's League agreed to commemorate a number of days in the annual calendar of foundational history, which had been forged in recent decades by organisations such as Selby's. They began by co-operating in a concert to mark the founding of Melbourne, and later joined forces to mark Discovery Day or Pioneers' Day, and Foundation or Australia Day. The members of the League brought to these commemorations a rather different historical sensibility to that of Union's. Aboriginal people like Cooper had a predictive or prophetic view of history that was derived from the Old Testament. They imagined the relationship between past, present and history as a long trajectory marked by epochs and days of Judgement and Restitution, Mourning and Hope, at the end of which there would be deliverance for Aboriginal people from the suffering that was the lot of the aboriginal just as it was for the Jews. This religious perspective constituted an alternative, aboriginal history — a different view of how time would unfold — which challenged the settler account of Australia's history. This was most evident in Cooper's suggestion that aboriginal people hold a 'day or mourning' to mark the sesquicentenary of white settlement on Australia Day in 1938, which seems to have been prompted by his experience of the celebration of white Australian history at the Batman commemoration in January 1937.³⁸

Aboriginal involvement in these occasions ensured more focus on Batman's treaty or the broader historical matters it represented and made these commemorations of settler possession less celebratory. In the concert held to mark Melbourne's foundation in May 1937, the grand finale was the aboriginal choir's singing of a 'Burra Phara', an African American spiritual, translated into the Yorta Yorta language, which expressed their identification with the Jews as the dispossessed of the Book of Exodus; the concerts to mark Discovery Day in November 1937 included a play about the treaty signing; and at the historical service at Batman's grave to mark Foundation Day in January 1938 the president

of the Australian Aborigines' League, Arthur Burdeu, read a poem called 'The Tragedy of the Aborigines' and made a plea for justice 'for the men who had been dispossessed of their land'.³⁹

On the latter occasion, Cooper's protégé, Doug Nicholls, gave an address in which he asserted that 'aborigines would never forget Batman' since he had been 'their good friend'. In the previous two years other members of the League had articulated the same sentiment: In 1936, Margaret Tucker argued 'We have not been happy since the days of Batman', and in 1937 Cooper had averred that 'Batman was kind and just to the aborigines'. The centenary celebrations had undoubtedly made the small Aboriginal community in Melbourne realise how powerful the Batman legend had become. Yet, Nicholls, Tucker and Cooper were presumably drawing on an oral tradition of Batman and the treaty which had probably circulated among Aboriginal people in Victoria over many decades.⁴⁰

We know that William Barak, who was the headman of the Wurundjeri clan of the Woiwurrung people whose country encompassed the land around the Yarra River, and who had witnessed the making of the treaty, frequently related what we might call Batman stories. These were myths about the coming of whites in which those figures celebrated by the settler society's foundational history, such as John Batman and James Cook, were assigned leading roles as the symbols of British colonisation. These stories told a history of colonisation from an aboriginal perspective: of whites coming from another land looking for land, their offer of food and their threat to kill.⁴¹

Following his death (in 1903), Barak's Batman story was commonly rendered in other terms by white narrators: 'I have never forgotten Batman's word. He told us not to hurt the white man and not to steal his things. "If you do", he said, "the white man will shoot like this" (Batman fired a gun), and we were frightened, but Batman said, "Do not be afraid", and gave us rations and we were good friends".⁴²

As the centenary of white settlement neared, white memoirists and writers repeatedly paired Batman and Barak in romantic stories about the history of the city or the colony. In these, Batman was figured as the noble progenitor of white settlement, Barak as the dignified last chief of a dying race. Most importantly, Barak was cast as a historical witness not only to Batman's treaty but to the rise of civilisation Batman had prophesied in 'the place for a village'. By these means, settler possession was made to seem both right and righteous.⁴³

The decline of a Batman legend

In the wake of the centenary celebrations, a leading Melbourne businessman, Russell Grimwade, having recently immortalised one of his heroes, James Cook, by having the family house removed from Whitby, Yorkshire and reassembled in Fitzroy Gardens, Melbourne, sought to immortalise his other colonial hero, John Batman, by erecting a large group statute to commemorate Batman's landing on the banks of the Yarra. In order to make this monument of 'This will be the place for a village', Grimwade knew he had to seek the advice of the leading historians about town. He turned to the president of the Historical Society of Victoria, A.S. Kenyon, a retired public service engineer who had become an

authority on anthropological and historical matters in Victoria. Grimwade realised there might be some difficulties in reconstructing this historic event but he cannot have anticipated the raft of problems Kenyon would present.

Kenyon took to his task with relish. He and other leading members of the Historical Society were severe critics of the legend of Batman as the founder of Melbourne. They saw themselves as scientific researchers and sought to overturn what they saw as the considered to be a myth. Batman might never have been cast as the founder of the city had it not been for ‘This will be the place for a village’: these words had ‘captured the imagination of posterity more than anything else which ha[d] been written concerning the foundation of Melbourne’. They acknowledged the power of this legend but were vexed that it had pushed the findings of their scientific history aside, thus disguising ‘the true course of events’. Similarly, they realised that Bonwick’s writings had been critical to the making of the Batman legend, and dismissed these as ‘a most biased production’.⁴⁴

In his report for Grimwade Kenyon described a Batman very different to the man of the legend. He had discovered that Batman’s background was neither the respectable nor religious one Bonwick had invented for his hero: his father had simply been a convict transported to New South Wales for stealing. (Convict ancestry was a matter of considerable shame in Australia at this time, all the more so in colonies such as Victoria which had claimed to be free of this.) Similarly, he found that Batman’s ‘Tasmanian career’ conflicted with ‘the records’, which suggested his reputation for benevolence towards aboriginal people there was unfounded. Most importantly, Kenyon struck at the heart of ‘This will be the place for a village’ by arguing that Batman’s own accounts conflicted with the narrative since they suggested he had never journeyed up the river and that the place he had marked out for a village was an area which later became the port of Melbourne rather than the township. More generally, Kenyon cast doubt on the historical accuracy of Batman’s writings, even going so far as to suggest that his journal, which was the authority of course for ‘This will be the place for a village’, lacked historical authenticity, not least because it might have been compiled from memory. To conclude his report, Kenyon appended some miscellaneous notes which amounted to a very unfavourable character reference: Batman might have been a mass murderer of aboriginal people, he probably drank and whored a great deal, and he undoubtedly contracted syphilis.⁴⁵

Much of Kenyon’s report was never made public, but in the postwar period the Batman legend suffered a gradual decline as a narrative of possession in Victorian society. More generally, foundational history suffered the same fate. It might be tempting for academic historians to attribute the former to the influence of the empirical historical research undertaken first by the likes of Kenyon in the 1920s and 1930s and later by a generation of historians working in the same scientific spirit in the 1960s and 1970s. This would be to argue that the narrative fell because it was proven to be false. However, it is unlikely that its demise can be assigned to this.

Narratives, the cognitive psychologist Jerome Bruner has argued, can only ever achieve verisimilitude, and the acceptability of their version of reality is governed by ‘narrative necessity and convention rather than empirical verification (unlike in the case of scientific

procedures). ‘Narrative necessity’ refers in general to narrative’s hermeneutic (or interpretive) property and in particular to the way in which any part of a narrative tends to make sense only in relation to the other parts and ultimately to the whole of that narrative. Moreover, this characteristic of narrative, which Bruner calls ‘hermeneutic composability’, refers not only to the comprehension of a narrative but to its construction as well. Bruner argues:

The accounts of protagonists and events that constitute a narrative are selected and shaped in terms of a putative story or plot that then ‘contains’ them. At the same time, the ‘whole’ (the mentally represented putative story) is dependent for its formation on a supply of possible constituent parts. In this sense ... parts and wholes in a narrative rely on each other for their viability ... [T]he parts of a narrative ... [such as protagonists and events] need to be *constituted* in the light of the overall narrative ... [and so are] made ... ‘functions’ of the story ... [T]hat whole cannot be constructed without reference to such appropriate parts ... [A] story can only be ‘realised’ when in parts and whole can, as it were, be made to live together.

Narrative necessity, according to Bruner, also governs the reception of a narrative’s version of reality because narratives, especially where they accrue, tend to create the illusion that there can only be a single interpretation: the one they have provided. The other reason why narratives are so seductive, Bruner suggests, is because they become ‘so socially conventional, so well known, so in keeping with the canon, that we assign it to some well-rehearsed and virtually automatic interpretive routine’.⁴⁶

Foundational history, we have seen, was a narrative whole that constituted, and was constituted, by particular constituent parts, especially in conjunction with a putative relationship to time and space. The primary protagonists of this narrative were the settlers; the history began with white settlement; and its primary events were white discovery, exploration and settlement of the land. It functioned so long as these constituent settler parts were supplied. Once those parts were brought into question, however, the viability of the whole narrative was threatened. This, in essence, is what happened in the course of the 1950s and 1960s, as an aboriginal perspective of the history of Australia came to the fore.

The aboriginal turn to history

The turn to an aboriginal perspective made aboriginal people the subjects of history. The story began not in 1770, with the voyaging of Cook, or 1788, with British colonisation, but tens of thousands of years earlier, with aboriginal protagonists. By altering the time the story began, the aboriginal protagonists became the country’s first discoverers, explorers and settlers instead of the British; the land became an ancient aboriginal one rather than a new settler one; and historical continuity, in the form of aboriginal survival, rather than historical change, in the form of an aboriginal demise, became more significant. The shift to an aboriginal perspective made it clear that the aboriginal people were sovereign polities and in possession of the land prior to the British, just as it made clear that the British were invaders

of these people's territory. This meant in turn that the primary events of this history became those of invasion, war, dispossession and resistance.

As the constituent parts of foundational history were questioned, its narrative necessity began to crumble. This change occurred, of course, in the context of broad social and cultural changes in the postwar period, which served to undermine a range of social conventions. A steady democratisation of society, spurred in the 1960s by the rise of radical political activity associated with what has been called the 'New Left', brought about a major shift in both historical consciousness and historical practice. There was a retreat from the ideal of progress, as many questioned whether the course of history had been progressive. At the same time, narrative, especially grand narrative, was demoted as historians began to doubt whether they could know the shape of history or whether history even had a narrative shape.

The rise of the new left prompted many historians to turn their attention to those whose story had been 'hidden from history' — the working class poor, women, gay men and lesbian women, migrants, blacks and aboriginal peoples — and to make them central to the story they told. 'History from below' tended to be critical more than celebratory, as it condemned a good deal of what had happened in the past, thought it sought to recover those historical moments that suggested other, more satisfactory directions might have been taken. As a result, there was a turn away from conventional myths, including those of foundational history, and the construction of new ones regarding the struggles and triumphs of subaltern groups. Historical practice underwent considerable change, too. Oral testimony became much more important as a historical source, and the ideal of distance, which had been central in the development of history as an autonomous discipline, was challenged. These changes were nowhere more apparent than in the rise of a historical subdiscipline we might call aboriginal history.

In 1968 Stanner had observed that 'the great Australian silence' had reigned over 'the other side of the story', the telling of which 'would have to be a world [or an underworld] away from the conventional histories of the coming and development of British civilisation'. At the time he spoke, Stanner realised that the situation he described was changing: 'the aborigines having been "out" of history for a century and a half are now coming back "into" history with a vengeance'. In this return of the suppressed, Stanner had two things in mind: first, aboriginal people were making history as political subjects demanding their rights; second, and more importantly, and they were becoming subjects of history since they were increasingly telling their stories, and archaeologists, anthropologists and historians were beginning to tell the story of the aboriginal past as history rather than treating this past as incommensurate with that of the settlers.⁴⁷

Aboriginal people entered into history with a vengeance because it was fundamental to the demands they increasingly made at this time, which were for special rights rather than citizenship rights. In asserting their status as the original or first peoples of the land as well as the people who had suffered dispossession and discrimination, they and their supporters *needed* history: they needed historical narratives to make sense of the plight of aboriginal people, to articulate aboriginality and to legitimise aboriginal demands.

The impact of this aboriginal turn to history is apparent in the shifts that occurred in the narratives regarding Batman and Batman's treaty. In the 1950s aboriginal leaders in Victoria had periodically invoked Batman's treaty; for example, in January 1951 Nicholls, who had helped to revive the Australian Aborigines' League, protested against the exclusion of 'Old Australians' from the Melbourne City Council's plan for celebrating the fiftieth anniversary of Australian federation by threatening to hold a day of mourning that would feature a re-enactment of the signing of Batman's treaty on the banks of the Yarra, the historical site, of course, for white society's principal narrative of possession, 'This will be the place for a village'. (The term 'Old Australians' had gained currency after the Commonwealth government had coined the term 'New Australians' in order to advance its programme of assimilating large numbers of non-British migrants.) In the 1960s the treaty's significance increased as a movement in the name of 'land rights' emerged. Most white campaigners for aboriginal rights were inclined to condemn the treaty as a fraud and its makers as tricksters, but aboriginal campaigners continued to represent the treaty in rather different terms. For example, in May 1963 Nicholls and other aboriginal leaders organised a rally to protest against the Victorian government's plans to close the last supervised aboriginal reserve in the state. They began at the Batman memorial stone in order to make clear their belief that aboriginal people's rights to land had been acknowledged at the beginning of colonisation by its founding father, and to suggest that Batman's treaty was cast as a historical course that could have been taken. Protests such as these led some white campaigners to reconsider the treaty. For example, in July 1965 Frank Engel made reference to the government's repudiation of the treaty in a report on aboriginal land rights he prepared for the Australian Council of Churches, observing: 'So ended abruptly, one of the few honest approaches to the Aboriginal land question in Australia. Perhaps it was the only one. For the Crown ... never took the next step of making treaties itself with the Aborigines'.⁴⁸

At this time, white campaigners for aboriginal rights, troubled by the way in which aboriginal people had been dispossessed by their settler nation, assumed that there could only be a moral basis for their calls to recognise aboriginal rights to land, since there had never been any legal recognition of aboriginal title to land in Australia. However, by the end of the decade they had reconsidered this, largely as the result of a decision in November 1968 to mount a legal challenge in the name of the Yolngu people of northeast Arnhem Land (in northern Australia) regarding the appropriation of their reserve lands. In the first instance, this encouraged aboriginal leaders in Victoria to focus on what they saw as the contractual aspect of Batman's treaty. In July 1969 Nicholls and the Victorian Aborigines Advancement League held a ceremony in Melbourne's city square on National Aborigines Observance Day in which he drew attention to the failure of white society to honour the treaty's promise to provide an annual tribute or rent to the aboriginal people before handing the treaty back to the white man (represented by the Victorian Minister for Aboriginal Affairs). The League's liaison officer, Bruce McGuinness, suggested another way of repudiating the treaty, telling a journalist: 'I'd say the "assigns" of Batman could quite easily keep the rent and we'll take the real estate. It will put us in a new light: sons of the landlord'.⁴⁹

The journalist assumed McGuinness was merely joking but a white campaigner, Barrie Pittock, pointed out that aboriginal people took 'the Batman treaty seriously, even if most

white Australians regard it merely as a historical curiosity' before going on to argue: 'The importance of the Batman treaty lies in its explicit recognition that Aborigines did, in fact, own the land'. Pittock sought to overturn the conventional historical wisdom about the government's repudiation of the treaty. He argued that this did not constitute a denial of aboriginal rights to land, since the government was following an established policy that only the Crown could make contracts for the possession of land belonging to aboriginal peoples; that this policy was actually devised as means of upholding aboriginal rights because it sought to control the spread of white settlement; and that the British government had not intended to deny Aboriginal rights to land in Australia, and this had only occurred because its policy had failed.⁵⁰

As the federal court considered the Yolngu claim (in what is commonly known as the Gove case), Pittock researched the historical basis of the British claim of possession. Batman's treaty was critical to this work. He argued that it had raised the legal question of whether aborigines owned the land but that the matter had never been resolved because the government had repudiated the treaty by claiming to be the sovereign authority for the territory rather than any claim to be in rightful possession of the land. However, the federal court rejected the Yolngu case and in doing so it claimed that the denial of aboriginal rights had been the outcome of a conscious policy regarding aboriginal rights to land and that this *was* evident in its repudiation of Batman's treaty. Pittock contemplated researching the matter further in the hope that this might uncover a valuable lead for mounting a further legal case, but in the end he abandoned this as campaigners for aboriginal land rights decided that the cause would be better served by using political rather than legal avenues.⁵¹

In the 1970s, aboriginal leaders increasingly attacked white historical figures such as Batman, holding them responsible for founding the political and legal regime by which the British had taken possession of the country and dispossessed the aboriginal people of their land. This was evident in protests held to mark the bi-centenary of James Cook's landing on 29 April 1970. The organisation responsible for co-ordinating the campaign for aboriginal rights, the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, called upon aboriginal people to declare 29 April a day of mourning. A petition drafted for the protest read in part: 'The Aborigines have occupied Australia for many thousands of years. Captain Cook led a European invasion of this country ... We, who are Aborigines or Islanders, and are Australian citizens, consider the 1970 "Captain Cook Bi-Centenary Celebrations" to be a celebration of the Europeans' invasion of Australia. As a result of this invasion, our people do not own land and are subject to discrimination'. In rallies held in Melbourne and Sydney, protestors denounced Cook as an invader and called for land rights. Both countered white history-making: in Melbourne protestors began their march in Fitzroy Gardens where Captain Cook's cottage had been recreated, in Sydney protestors ended theirs at La Perouse where Cook's landing was being reenacted. Nicholls reflected:

In January 1788 the first British fleet landed in Botany Bay, Sydney. The Union Jack was raised to indicate sovereignty of the land which would now be called Australia, our home land. This gave birth to a nation. While imposing the domination of the British Crown this also implied British justice and fair play and all people belonged to this country.

Captain Cook's Bi-Centenary turned the pages of history of the contacts of two peoples. From our point [of view] it has been a sad one. It is the skeleton in the closet of Australia's national life. As far as the finding of the land is concerned Captain Cook was not the founder, the Aborigines were the founders and Captain Cook discovered the Aborigines.⁵²

The end of the legend?

Over the next few decades, the political value of remembering Batman's treaty diminished in the eyes of many as the Batman legend foundered. Many settler Australians increasingly found Batman an embarrassing historical figure and wanted to cast any memory of him aside. This shift in sentiment was apparent in historical writings done in the 1970s. The publicly renowned historian Manning Clark had once admired Batman but now drew an unfavourable portrait of the man and his treaty-making. Michael Christie, one of the first generation of academic historians to pay serious attention to the history of colonialism in Australia, condemned Batman and the Port Phillip Association's treaty in a detailed study of relations between aborigines and settlers in nineteenth-century Victoria: The Association was 'purely self-interested' but had 'dressed up' their enterprise in 'philanthropic trappings'; they knew their treaty was 'fraudulent' because they admitted the aboriginal headmen had no authority to dispose of the land; it is unremarkable that their concern for aboriginal welfare was 'false' since most of the Association had played a prominent role in waging war on aborigines in Van Diemen's Land; 'Batman himself had been responsible for shooting fifteen Aborigines in one of his bounty hunting encounters'; the Association's 'hypocrisy' was apparent to most colonists, even those such as the Governor of Van Diemen's Land, who wanted to see Port Phillip colonised.⁵³

The decline of foundational history in general, and the Batman legend in particular, was evident by the time of Victoria's sesquicentenary in 1984-85, which was styled more as commemoration of white settlement than a celebration. The convention of founding fathers seemed to be dead. Batman and his treaty did not fare well in the official history the state government commissioned for the occasion. Richard Broome argued that Batman was a lawbreaker in the eyes of the Aboriginal people and dismissed his treaty as a swindle. The state historian Bernard Barrett marked the city of Melbourne's birthday by assaulting the legend of 'This will be the place for a village'.⁵⁴

Two years later a biography of Batman appeared which sought to demolish the legend first created by Bonwick. Its author, Alistair Campbell, once a radical campaigner for aboriginal rights, argued that Batman and his associates were responsible for setting in train 'the eventual near genocide of the Port Phillip Aborigines'. Not surprisingly, Batman's treaty making did not redeem the man in his eyes: he accused him of forging the deeds and fabricating a narrative to advance a land grab by the Port Phillip Association.⁵⁵

Much of the public remembrance of Batman during the following decade echoed Campbell's anti-heroic account, and pressure had mounted to undo the public memorials to settler possession in Melbourne. In 1992 the Melbourne City Council decided to remove the

Batman memorial from Batman Avenue and return it to its original site, now a corner of a busy food market, and to add a plaque: ‘When the monument was erected in 1881 the colony considered that the Aboriginal people did not occupy the land. It is now clear that prior to the colonisation of Victoria the land was inhabited and used by Aboriginal people’; in 1994-95 the Council and the state government department for aboriginal affairs sponsored an ‘Another View Walking Trail’ which included an installation of mourning poles near a statue of Batman (which had been erected finally in the city in 1979); and in 1999 the Council, the newly forged Melbourne Foundation Day Committee and the Historical Society of Victoria agreed that the Batman memorial stone on Flinders St should be removed and put into storage somewhere.⁵⁶

Reconciliation and multiculturalism

Other stories continued to be told which encompassed Batman’s treaty. In 1992, Henry Reynolds, in a new edition of his 1987 book *The Law of the Land*, argued that the repudiation of Batman’s treaty had not entailed a rejection of aboriginal rights to land, contrary to the ruling in the Gove case. Indeed, he asserted, consideration of the matter actually revealed that a doctrine of native title was firmly entrenched in the British colonial law. In *The Law of the Land* Reynolds had sought to formulate a humanitarian political and/or legal tradition for the present-day campaign for aboriginal rights by arguing that the imperial government had recognised aboriginal land rights in the 1830s and 1840s. This was to argue that an acknowledgement of aboriginal rights to land in the future would be neither a novel nor a radical departure for Australia historically speaking. This fiction, which invented a past that might have been but never actually was, promised to advance the aboriginal cause at the same time as it redeemed the settler nation. It provided the narrative underpinning for the High Court’s Mabo judgment on native title in 1992 and the historical work of the Commonwealth Labor government’s Council for Aboriginal Reconciliation in the mid to late 1990s, and the campaigning of the political organisation ANTaR (Australians for Native Title and Reconciliation) in the early 2000s.⁵⁷

Another take on Batman’s treaty was provided by a Canadian-born and trained anthropologist, Diane Barwick. In part of a book published in 1998, several years after her untimely death, Barwick sought to recover an aboriginal interpretation of the treaty by adopting an approach that attended to the oral and the visual rather than the literary texts alone. Her argument goes as follows: The Kulin were governed by senior men called *ngurungaeta*. They were custodians of the law and had the authority to represent their groups in affairs with other peoples. Five of the eight men whose names appear on the treaty deed can be identified as headmen of the Woiwurrung and the Boonwurrung clans, the owners of the land claimed in the principal treaty, and these include the most senior Woiwurrung man, a *ngurungaeta* by the name of Billibellary. Aboriginal peoples such as the Kulin can be regarded as small nations and were accustomed to negotiating relationships with other peoples. By means of diplomacy, they regulated access to resources and territory, exchanged goods, arranged marriages and settled conflicts. They were accustomed to making agreements akin to treaties. These peoples had strict rules regarding hospitality for other peoples, including strangers considered to be friendly, and visitors could seek permission for temporary access to land and the temporary use of resources. This was

guided by the principle of reciprocity or exchange. The Woiwurrung and the Boonwurrung had a ritual, called the *tanderrum*, which regulated the right to use a territory. To quote Barwick: ‘This ... was a formal procedure whereby approved strangers were guaranteed the host clan’s protection as well as giving and receiving allegiance and access to each other’s resources. By handing their guests token portions of foliage, water and available foods of their estate the owners signified “that as long as they are friendly, and under such restrictions as their laws impose, they and their children [could] come there again without fear of molestation”’. The treaty, in other words, was not an agreement to sell Batman’s Association land, but to grant it rights of access and usage. This is how local aboriginal leaders today represent the treaty.⁵⁸

Other Batman stories continued to be told. In an era that saw a boom in family history and genealogy a Batman family association was founded. This sought to uphold Batman’s name as a founding father but it barely had any impact since it had no major backers. By contrast, Batman’s ancient rival as the founder of Melbourne, John Pascoe Fawkner, won backing from the state government for a plan by local entrepreneurs who owned the Melbourne Maritime Museum to create a living history museum by building a replica of Fawkner’s historic vessel, the *Enterprise*, now to be called the *Enterprize*. This in turn led to the formation of a ‘Melbourne Foundation Day’ committee which persuaded the city council to celebrate the day the *Enterprise* had landed on the banks of the Yarra, and to create a new park of that name on the bank of the Yarra by excising a large portion of Batman Park (which had only been created in 1982).⁵⁹

The *Enterprize* could be readily deployed as part of new narrative of multiculturalism. One historian has noted that in recent decades several ‘New World’ cities and countries have adopted the myth of the great voyage as their foundational narrative. This myth of journeying, he argues, imagines the community in terms of national becoming rather than national origins or destination. All the peoples of the nation are conceived as voyagers from other lands. Thus, Melbourne, for example, is no longer imagined as ‘This will be the place for a village’ but as ‘this is a place of voyagers’. It is a narrative that has served to displace any claims of priority, whether they be British or aboriginal in nature: all have the same status as migrants. As the *Enterprize* and Enterprize Park were created, an immigration museum for Melbourne was formed nearby. On the pavement outside, indeed more or less at its entrance, lay the Batman memorial stone commemorating ‘This will be the place for a village’. Its remembrance of the British origins of settlement was held to be out of place and so it was removed. Alongside of it, another memorial, part of the ‘Another View Walking Trail’, remained (and remains) but its depiction of a Wurundjeri man who had apparently threatened to kill the whites at the settlement a month after they founded their ‘village’ has lost its historical or narrative context.⁶⁰

Elsewhere in the geopolitics of new multicultural city that Melbourne has proclaimed itself to be, a new but old form of chronopolitics is at work: the precolonial history, rather than the colonial history, of the local aboriginal people is celebrated, underpinned by the rise of ‘traditional aboriginal art’ as a form of story telling. In a ‘village’ now called ‘Docklands’, typical of the kind of harbour rejuvenation projects that have been mounted in many cities around the world in recent decades, this ancient aboriginal past has been deployed by the

multinational companies and the local governments to give this newly created area a sense of historical depth: a twenty-five metre sculpture of Bunjil, an ancestral figure of the Wurundjeri people, has been erected at its 'gateway'; a road leading around it was renamed 'Wurundjeri Way'; and a gallery featuring aboriginal art has been mooted. At the same time, the promoters have appropriated white colonial history, naming one of its 'village precincts Batman's Hill (after a landmark demolished in the 1850s) and claiming at the launch of their plan: 'This is the site where John Batman stood and said "this will be a place for a village" and if he were here today [he] would say "this will be the place for a Village Docklands"'. Once more, settler and aboriginal history are not deemed to co-eval. On the other side of city, a new cultural precinct has been built along the Yarra. It might be regarded as an amalgam of historical narratives of the nation. On the one hand it comprises of 'Federation Square', marking the centenary of the creation of the settler nation. But it also comprises a new parkland called Birrarung Marr (supposedly a Wurundjeri term) and a new footbridge called Barak (apparently in honour of the headman's status as a cultural negotiator, though no doubt this owes something to the story of his witnessing the negotiation of Batman's treaty). Most of the artwork here, though, celebrates multiculturalism more than it commemorates aboriginality. Batman's legend — and thus the story of British possession — is barely present. A good part of Batman Avenue has been destroyed to create all this, a small, barely marked 'Batman Avenue Plaza' the token of what was.⁶¹

Concluding remarks

What are we to make of this recent story-telling? In what sense, if any, might this history-making be called postcolonial rather than colonial? On the one hand, it might be argued that the aboriginal people's historical narratives, by being heard, read and seen by settler Australians, have become part of the storied community of the nation; that their accounts of past oppression have won considerable recognition in a range of forums; and that the Australian state has granted a modicum of rights to them, including rights to land of which they were dispossessed. On the other, it can be argued that recognition of aboriginal narratives in the multicultural settler nation has been an act of cunning: the state, in its various guises, has adopted an approach whereby it has championed a revised history of the nation but done relatively little to redress the consequences of that past. Telling true stories can play a crucial role in bringing about changes in national consciousness which are necessary in order to redefine the relationship between aboriginal and settler peoples in a national community, yet unless they are given force by some other political means they probably count for little, and unless they are entrenched by some legal means they can be made to count for even less by parties who champion the narrative of foundational history once more.

¹ Patricia Seed, *American Pentimento: The Invention of Indians and the Pursuit of Riches*, University of Minnesota Press, Minneapolis, 2001, pp. 5-6; Graeme Davison, *History as Vocation*, School of Historical Studies, Monash University, Melbourne, 2006, p. 4.

² Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, revised edn, Verso, London, 1991, pp. 4, 6; Jerome Bruner, 'The Narrative Construction of Reality', *Critical Inquiry*, vol. 18, no. 1, 1991, pp. 15, 18-20.

³ Ernest Renan, 'What is a Nation?' (translated Martin Thom), in Homi Bhabha (ed.), *Nation and Narration*, Routledge, London, 1990, p. 11; Peter Burke, 'History as Social Memory', in Thomas Butler (ed.), *Memory: History, Culture and the Mind*, Basil Blackwell, Oxford, 1989, pp. 107-08.

⁴ David Carr, 'Narrative and the Real World: An Argument for Continuity', in Brian Fay et al. (eds), *History and Theory: Contemporary Readings*, Blackwells, Oxford, 1998, pp. 137-38, 140, 145-46, 148.

⁵ Godfrey Charles Mundy, *Our Antipodes: Or, Reminiscences and Rambles in the Australasian Colonies* (1852), 3rd edn, Richard Bentley, London, 1855, p. 105.

⁶ For a discussion of the formation of this narrative, see my 'The Law of the Land or the Law of the Land?: History, Law and Narrative in a Settler Society', *History Compass*, vol. 2, 2004, pp. 1-30.

⁷ See Jacqueline Rose, *The Question of Zion*, Melbourne University Publishing, Melbourne, 2005, chap. 1.

⁸ W.E.H. Stanner, *After the Dreaming*, ABC, Sydney, 1969, pp. 26-27.

⁹ *Ibid.*, pp. 24-25, 60-61, his emphasis.

¹⁰ Johannes Fabian, *Time and the Other: How Anthropology Makes its Object*, Columbia University Press, New York, 1983, p. 144.

¹¹ Bruner, 'Narrative Construction of Reality', p. 15; Inga Clendinnen, *The History Question: Who Owns the Past?*, Black Inc, Melbourne, 2006, p. 21.

¹² Steven Conn, *History's Shadow: Native Americans and Historical Consciousness in the Nineteenth Century*, University of Chicago Press, Chicago, 2004.

¹³ See Alan Atkinson, 'Tasmania and the Multiplicity of Nations', *Tasmanian Historical Research Association Papers and Transactions*, vol. 52, no. 4, 2005, pp. 189-200.

¹⁴ James Bonwick, *The Writing of Colonial History* (1895), Riverina/Murray Institute of

Advanced Education, Wagga Wagga, 1987, p. 8. Here it might be noted that the word ‘treaty’ has a distinctive origin in English, and this gives it a unique meaning. Whereas in other European languages, such as Dutch, French, Portuguese and Spanish, ‘treaty’ came from the root ‘to treat’ and meant ‘to deal with someone personally and face to face’, in English the word originally referred to writing rather than speaking or participating in a ritual. ‘From the fourteenth century, when the word first appeared in the [English] language, until the middle of the seventeenth century, the word *treaty* primarily meant a form of inscription: a story, a narrative, or written account, treating a subject in writing; a (literary) treatment’. It was not until the middle of the seventeenth century that ‘treaty’ came to be applied commonly to agreements between states, and the earliest treaties, at least in the American context, were simply written agreements. In other words, they were not necessarily accords *between* nations; they could be communicated anonymously rather than result from direct personal contact between one people and another. See Seed, *American Pentimento*, pp. 23-24, 207 note 59.

¹⁵ James Bonwick, *Discovery and Settlement of Port Phillip* (1856), Red Rooster Press, Melbourne, 1999, unpaginated preface, *John Batman: The Founder of Victoria*, Samuel Mullen, Melbourne, 1867, pp. iii-iv (All further references are to this edition unless otherwise stated), *John Batman: The Founder of Victoria*, 2nd edn (1868), Wren, Melbourne, 1973, p. vii, *The Last of the Tasmanians*, Sampson, Low, Son & Marston, London, 1870, p. iii, chap. 3, *Port Phillip Settlement*, Sampson Low, Marston, Searle & Rivington, London, 1883, p. 355, *Writing of Colonial History*, pp. 8-10.

¹⁶ Mark Salber Phillips, *Society and Sentiment: Genres of Historical Writing in Britain, 1740-1820*, Princeton University Press, Princeton, 2000, pp. xii, 26-28, 343, 346; Graeme Davison, ‘The Great Voyage: National Celebrations in Three New Lands’, in his *The Use and Abuse of Australian History*, Allen & Unwin, Sydney, 2000, p. 57.

¹⁷ Bonwick, *Discovery and Settlement*, pp. 31-32, 60, 68-69, *John Batman*, pp. 14-21; Davison, ‘The Great Voyage’, p. 58.

¹⁸ Bonwick, *Discovery and Settlement*, p. 60, *John Batman*, p. 30. The principal offender I have in mind here is the noted Australian historian Henry Reynolds.

¹⁹ George Thomas Lloyd, *Thirty-three Years in Tasmania and Victoria: Being the Actual Experience of the Author, Interspersed with Historic Jottings, Narratives, and Counsel to Emigrants*, Houlston and Wright, London, 1862, pp. 324-31; Bonwick, *Discovery and Settlement*, pp. 60, 62, *The Wild White Man and the Blacks of Victoria*, 2nd edn, Fergusson & Moore, Melbourne, 1863, p. 24, *John Batman*, pp. 19, 73-76; G.W. Rusden, *Discovery, Survey and Settlement of Port Phillip* (1872), Queensberry Hill Press, Melbourne, 1985, vol. II, p. 21; J.H. Heaton, *Australian Dictionary of Dates, and Men of the Time*, George Robertson, Sydney, 1879, p. 14; David Blair, *Cyclopedia of Australasia: Or, Dictionary of Facts, Events, Dates, Persons, and Places Connected with the Discovery, Exploration, and Progress of the British Dominions in the South to the Year 1881*, Fergusson and Moore, Melbourne, 1881, p. 40; Garryowen, *The Chronicles of*

Early Melbourne, 1835 to 1852, Fergusson and Mitchell, Melbourne, 1888, p. 29; Henry Gyles Turner, *A History of the Colony of Victoria*, Longmans, Green, and Co., London, 1904, vol. 1, pp. 98-104, 107-08, 113-14, 136, 179-81, 196, 'Batman's Track', p. 35, 'Romance and Tragedy in Victorian History', *Victorian Historical Magazine*, vol. 3, no. 2, 1913, p. 53; Sigmund Freud, *The Joke and its Relation to the Unconscious*, trans Joyce Crick, Penguin, London, 2002, pp. 5-7, 98, 100-01, 104, 115-17, 129-30, 134, 223.

²⁰ This theory was, of course, preceded by one which claimed that colonisers were simply following the biblical precept to go forth into the 'wilderness' and 'Multiply and replenish and subdue the earth', which was a peculiarly English proposition that diverged from the Christian and Jewish medieval interpretation of Genesis 1: 28. See Patricia Seed, *Ceremonies of Possession in Europe's Conquest of the New World, 1492-1640*, Cambridge University Press, Cambridge, 1995, pp. 32-34.

²¹ Bonwick, *John Batman*, 2nd edition, p. 25; *The Settlement of John Batman in Port Phillip: From his Own Journal*, George Slater, Melbourne, 1856, p. 22 (Slater's version read: 'This morning the winds set in foul for Indented Heads, and, having made several attempts to get out of the river, we gave it up as hopeless. We went, in the boat, up the large river coming from the east, and, after examination six miles up, I was pleased to find the water quite fresh and very deep: this will be the place for the future village'); John Batman, Journal, 8 June 1835, State Library of Victoria, MS 13181, my emphasis.

²² In the original passage Batman was probably referring to 'his natives' here (he was accompanied by 'Sydney natives') rather than the local aboriginal people but this is immaterial in the context of the history-making I am discussing here.

²³ Burke, 'History as Social Memory', p. 110; Julian Thomas, *Heroic History and Public Spectacle: Sydney 1938*, PhD thesis, Australian National University, 1991, pp. i, 55.

²⁴ J.H. Waterfield, 'Extracts from Diary of Rev. William Waterfield', *Victorian Historical Magazine*, vol. 3, no. 3, 1914, p. 117; *Argus*, 5 June 1882.

²⁵ Burke, 'History as Social Memory', p. 101; Thomas, *Heroic History and Public Spectacle*, p. 109.

²⁶ Conn, *History's Shadow*, pp. 5-6, 24-34, 93.

²⁷ Dipesh Chakrabarty, *Provincialising Europe: Postcolonial Thought and Historical Difference*, Princeton University Press, Princeton, 2000, 100-01; Conn, *History's Shadow*, pp. 21-23; Bain Attwood, *Telling the Truth About Aboriginal History*, Allen & Unwin, Sydney, 2005, pp. 14-16.

²⁸ Alexander Sutherland, *Victoria and its Metropolis*, Macaroon, Bird & Co, Melbourne, 1888, Vol. 1, pp. 231-38, 240, 243-44, 250-51, 255.

²⁹ Tom Griffiths, *Hunters and Collectors: The Antiquarian Imagination in Australia*, Cambridge University Press, Melbourne, 1996, pp. 1, 150, 158, 207, 219; Helen Doyle, 'Founding Stories, Founding Sites: Making History and Marking Place in Victoria', paper delivered to The Civic Historian: a Conference in Honour of Graeme Davison, Melbourne, 29-30 June 2006, p. 2; Pierre Nora, 'Between Memory and History: *Les Lieux de Mémoire*', *Representations*, no. 26, 1989, p. 14.

³⁰ Correspondence dated 30 June & 5 August 1913, John Batman Papers, Miscellaneous essays, notes and correspondence, Royal Historical Society of Victoria, MS 303, box 113/2; *Argus*, 24 November 1922; Charles Daley to A.W. Greig, 29 November 1922, Batman Papers, box 113/2.

³¹ *Age*, 28 January 1924.

³² R.A. Crouch to Secretary, Historical Society of Victoria, 13 March 1923, W. McCall to Greig, 10 August 1923, Greig to Crouch, 15 October 1924, Batman Papers, box 113/2; *Argus*, 13 July 1923; A.W. Greig, 'Some Notes on John Batman's Journal of his Visit to Port Phillip in May and June 1835', *Victorian Historical Magazine*, vol. 10, no. 2, 1924, pp. 75-81; 'The Batman Stone', *Victorian Historical Magazine*, vol. 10, no. 3, 1925, pp. 125-26; 'A Memorial to John Batman', 7 May [1922 or 1923], *Newspaper Cuttings Relating to the History of Victoria*, State Library of Victoria, vol. 4, p. 136.

³³ Isaac Selby, *The Old Pioneers' Memorial History of Melbourne*, Old Pioneers' Memorial Fund, Melbourne, [1924], pp. 6, 12, 21-24, 27-28, 38, 50-53, 56, 81-82; *Age*, 28 January 1924; *Argus*, 17 & 26 January 1925, 18 & 25 January 1926; leaflet, Annual Visit to Batman's Grave, 30 January 1927, Isaac Selby Papers, Royal Historical Society of Victoria, MS 694, box 95/2; *Argus*, 31 January 1927; leaflet, Annual Visit to Batman's Grave, 29 January 1928, Selby Papers, box 91; *Argus*, 28 January 1929; leaflet, Historical Service at Batman's Grave, Selby Papers, box 95/2; *Argus*, 26 January 1931; leaflet, Batman and Black Australia: Melbourne's 96th Birthday, Amy Brown Papers, State Library of Victoria, MS 9212, box 3643/1a; leaflet, Historical Service at Batman's Grave, 29 January 1933, Selby Papers, 95/4; leaflet, Historical Service at Batman's Grave, 28 January 1934, Selby Papers, box 226.

³⁴ *Age*, 10 June 1935; my interpretation of this poster owes much to Thomas' reading of a poster made for the Australian sesqui-centenary. See his *Heroic History*, pp. 81, 106.

³⁵ *British Commonwealth League Report of Conference 1938*, British Commonwealth League, London, p. 53.

³⁶ *Argus*, 25 January 1937; *Uplift*, vol. 1, no. 1, 1938, p. 11.

³⁷ William Cooper to Isaac Selby, 1 February 1937, Selby Papers, box 226; Clive Turnbull, 'Aborigines Petition the King', *Herald*, 7 August 1937.

³⁸ Cooper to Selby, 5 April 1937, Arthur Burdeu to Selby, 26 March, 10 April & 6 May 1937, Programme for Concert, 31 May 1937, Selby Papers, box 226; Leaflet, Grand Pioneer Rally and Historical Service, 18-21 November 1937, Selby Papers, box 91; Souvenir Programme, A Grand Pioneer Rally and Historical Service, 30 January 1938, Selby Papers, box 95; Australian Aborigines' League Annual Report, 1936, Archives Office of New South Wales, series 12/8749B; Cooper to Thomas Paterson, 18 February 1937, National Archives of Australia, CRS A659, 1940/1/858; Bain Attwood, *Rights for Aborigines*, Allen & Unwin, Sydney, 2003, p. 71.

³⁹ Programme for Concert, 31 May 1937; Leaflet, Grand Pioneer Rally and Historical Service, 18-21 November 1937; *Argus*, 31 January 1938. For discussion of 'Burra Phara', see Heather Bowe *et al.*, *Yorta Yorta Language Heritage*, Department of Linguistics, Monash University, Melbourne, 1998, pp. 19-21.

⁴⁰ *Argus*, 17 April 1936; Cooper to Selby, 1 February 1937; *Argus*, 31 January 1938.

⁴¹ Barak story, 26 May 1888, State Library of Victoria, Box 18/12; Brooke Nicholls, 'Barak of the Yarra Tribe', *Australasian*, 5 December 1931.

⁴² *Ibid.*; Aeneas Gunn, "'My Words": Barak's Reflections', *Argus*, 12 December 1931; Ethel M. Shaw, 'More About Barak', *Argus*, 19 December 1931; E.E.H., 'Last King of the Blackfellows: The Quaint Story of John Batman's Admirer', *Argus*, 28 July 1934.

⁴³ P. Crosbie Morrison, 'Yarra Yarra: Melbourne's Babbling Brook in History', *Argus*, 25 May 1929; Anne Bon, 'Barak: An Aboriginal Statesman', *Argus*, 28 November 1931; Ethel M. Shaw, 'More About Barak', *Argus*, undated Saturday, c. December 1931, Selby Papers, box 95 [try to find this]; *Argus*, 28 June 1934; E.E.H., 'Last King of the Blackfellows: The Quaint Story of John Batman's Admirer', *Argus*, 28 July 1934; A.B.H., 'When Barak was King: How I Visited Royalty at Coranderrk', *Herald*, 24 November 1934.

⁴⁴ Greig, 'Some Notes on John Batman's Journal', pp. 75-81; Greig, 'The Foundation of Melbourne', ABC Radio script, 8 April 1929, Royal Historical Society of Victoria, MS 237, 'Batman's "Place for a Village": Its True Significance', *Argus*, 27 July 1929; A.S. Kenyon to the editor of the *Age*, 1932, A.S. Kenyon Papers, State Library of Victoria, MS12173, box 15/2-3; *Age*, 8 July 1933; *Herald*, 1, 8 & 9 May 1934; [Charles Daley, A.W. Greig, A.S. Kenyon and C.R. Long], *Victoria: The First Century: An Historical Survey*, Robertson & Mullens, Melbourne, 1934, p. 66; Kenyon, Notes on the Batmans, March 1937, Kenyon Papers, box 16/1.

⁴⁵ *Ibid.*; Kenyon to Russell Grimwade, 20 March 1937, Kenyon Papers, box 16/1.

⁴⁶ Bruner, 'Narrative Construction of Reality', pp. 4, 7-9.

⁴⁷ Stanner, *After the Dreaming*, 17, 25, 27.

⁴⁸ *Argus*, 8, 16, 19 & 30 January 1951; Shirley Andrews to editor of *Age*, 24 June 1961, Council for Aboriginal Rights Papers, State Library of Victoria, MS 12913/2/10; Shirley Andrews, 'Victoria', in William M. Murray (ed.), *The Struggle for Dignity*, Council for Aboriginal Rights, Melbourne, 1962, pp. 7-9, 11; *Age*, 23 May 1963; leaflet, Australian Aborigines' League, Why Retain Lake Tyers for Aborigines, 1963, Riley & Ephemera Collection, State Library of Victoria; Frank Engel, 'Aboriginal Land Rights', *Sydney Morning Herald*, 7 & 8 July 1965.

⁴⁹ *Ibid.*; National Missionary Council, A Letter on the History of Land Rights of American Indians and its Relevance to Australian Aborigines, undated, Second Letter from A. Barrie Pittock, 26 September 1964, A.P. Elkin Papers, University of Sydney Archives, 1/12/116; Methodist Commission of Aboriginal Affairs, Press release, 13 December 1968, Federal Council for the Advancement of Aborigines and Torres Strait Islanders Papers, Mitchell Library, MS2999, Y600; *Age*, 9 & 12 July 1969.

⁵⁰ *Ibid.*, 15 July 1969.

⁵¹ A. Barrie Pittock, *Aborigines and Land Rights*, Abschol/National Tribal Council/FCAATSI, Sydney, 1971, pp. 13-14, 17, 20; Pittock to Patrick Montgomery, 22 May 1971, Anti-Slavery Papers, Rhodes House Library, Oxford University, MSS series 22, G954a/1.

⁵² A Public Petition ... on the 1970 Captain Cook Bi-Centenary Celebrations, [September 1969], FCAATSI Papers, Y600; A Public Meeting ... 5 February 1970, Joe McGinness Papers, Australian Institute of Aborigines and Torres Strait Islanders Library, MS3718/1/10; Doug Nicholls, 'Captain Cook's Bi-Centenary', *Koorier*, vol. 1, no. 14, 1970, p. 19.

⁵³ Manning Clark, *A History of Australia, Vol. III*, Melbourne University Press, Melbourne, 1973, pp. 86-90, 117; M.F. Christie, *Aborigines in Colonial Victoria, 1835-1886*, Sydney University Press, Sydney, 1979, pp. 27-28.

⁵⁴ ; Tony Dingle, *The Victorians: Settling*, Fairfax, Syme & Weldon, Sydney, 1984, p. 21; Richard Broome, *The Victorians: Arriving*, Fairfax, Syme & Weldon, Sydney, 1984, p. 20; Bernard Barrett, 'Spot of Bother Over Batman', *Herald*, 7 May 1985.

⁵⁵ Alastair H. Campbell, *John Batman and the Aborigines*, Kibble Books, Melbourne, 1987, pp. 1-4.

⁵⁶ Brendan Condon, 'John Batman's Statue Tried for War Crimes', <www.activistrights.org.au/JohnBatman.asp>; *Age*, 21 December 1993; *Batman Family Association Newsletter*, no. 10, 1992, p. 4, no. 11, 1993, p. 5; *Another View Walking Trail*, Melbourne City Council, Melbourne, 1995; *Herald-Sun*, 20 June 1999.

⁵⁷ Henry Reynolds, *The Law of the Land*, 2nd edn, Penguin, Melbourne, 1992, pp. 125-32; <<http://www.antarvictoria.org.au>>.

⁵⁸ Diane Barwick, *Rebellion at Coranderrk*, Aboriginal History, Canberra, 1998, pp. 15-25.

⁵⁹ *Age*, 29 August 1991, 15 April 1994, 30 August 1994, 5 August 1997; *Herald-Sun*, 27 & 29 August 1997.

⁶⁰ Davison, 'The Great Voyage', p. 77.

⁶¹ Kuok Group launching of Docklands Apartment Concepts, Batman's Hill Precinct, Docklands, 2001, quoted Noè Harsel, *Recreating Batman's Hill: A Study of Urban Development Changes from 1835-2005*, MA thesis, University of Melbourne, 2005, p. 12; Office of the Premier, Media release, 8 December 2005, <www.dpc.vic.gov.au/domino/Web_Notes/newmedia.nsf/b0222c68d27626e2ca256c8c001a3d2d/face8018acfd90c1ca2570d10080f5de!OpenDocument>.