



Ignorance evident in flawed argument

ON FEBRUARY 4, *The Daily Advertiser* published a letter headlined 'More problems will stem from change', by Stephen Mooney of Bendigo.

I commend the *Advertiser* for publishing the letter.

I've long argued that you can't fight ignorance if you don't know where it resides.

Mr Mooney's letter, which rails against constitutional reform and seeks to depict Aboriginal people as responsible for their own dispossession and disadvantage, is one of the most confusing, contradictory letters I've read in a long time.

Mr Mooney writes: "What makes Australia stand out is the way in which it treats all its citizens equally under the law."

Yet earlier in his letter, he concedes: "There is no question that our constitution should be changed to remove any racism."

If the constitution contains racist clauses – and it does, as Mr Mooney rightly concedes – then how can Australia possibly treat all its citizens equally "under the law"?

Mr Mooney further writes: "If the first to arrive (indigenous Australians) are to have special constitutional provision for their advancement, then my mob, who arrived about 200 years ago, demand special constitutional provision for their advancement over those who arrived more recently."

Mr Mooney is clearly not a student of history, nor familiar with his own constitution.

"Special constitutional provision" for the advancement of "his mob" already exists, and is enshrined in the constitution. Indeed, that's what the entire constitutional reform debate is about.

It's surprising Mr Mooney appears not to understand this, given how enthusiastically he writes on it.

When the constitution was written, sections 51 (XXVI) and 25 were specifically included to afford white Australians "special constitutional provision for their advancement".

At the same time, those constitutional provisions were included specifically to disadvantage my people, and other races.

Those provisions still exist today and in the case of Section 51 (XXVI), it's been relied on repeatedly to trample our rights.

Mr Mooney might like to research

the Hindmarsh Island case, the Wik debate and the Northern Territory intervention to see how the Constitution of Australia has been used to ensure the "advancement of his mob" over others.

It strikes me that a white Australian railing against constitutional equality on the basis that he will be discriminated against (ie. he'll no longer be "more equal" than others) is quite ridiculous.

Mr Mooney then turns his attention to "land rights", an area of special interest to me.

"If indigenous Australians can acquire the individual freehold ownership of land at either no cost or a reduced cost, then this would quite rightly undermine our society."

Mr Mooney is partly correct. It would undermine a society that has been built on racist provisions in its constitution. Welcome to Australia, Mr Mooney.

It also undermines a society which has denied the rightful owners of this land the same basic rights that all other Australians expect as part of their citizenship. But, correcting that inequality can hardly be considered a bad thing.

What Mr Mooney is actually arguing is that because Australia is founded on stolen land, it should be above international law. It should have, I assume, "special status".

Mr Mooney seeks to apply the law unequally where it suits him, at the same time crying poor about his rights – rights which stand above all others, and have never been under threat (and are not under threat now). What Mr Mooney seeks to avoid – the right to the exclusive enjoyment of your land, and where that right is infringed, the right to compensation on just terms – is precisely the right that all Australians already enjoy. With one exception – the first Australians.

My people have long been denied this right. Mr Mooney tries to support his argument by referencing the Mabo decision, without apparently understanding what it is actually about.

There's only three ways under British law the Commonwealth can acquire land – through treaty, through conquest, and by claiming the land that was empty when the British "found" it.

Australia fits neither of the first two categories (there is no treaty, and we deny a war occurred), and

Mabo eliminated the long historical lie of 'terra nullius' – a land occupied by no-one.

So if Australian law found that Aboriginal rights to land endured, how would Mr Mooney have us proceed? Would he ask that the law not apply equally to Aboriginal people, simply because it forces him to extend the same rights he enjoys to others?

It's a remarkable argument to make from someone who claims we're all equal before the law.

Mr Mooney then rails about 'indigenous disadvantage'.

"We're supposed to believe that 'indigenous disadvantage' is purely the result of how badly they've been treated by history and the wider community. Apparently, unlike the rest of us, their individual behaviour has no connection to their present state of living."

I'd love to hear an alternative theory. Is Mr Mooney suggesting that Aboriginal people are genetically pre-disposed to disadvantage? Is it just one great big coincidence that Aboriginal people start dying in unprecedented numbers upon the arrival of the British?

Are the well-documented massacres, poisonings, slavery, stolen wages and child removals a simple figment of the imaginations of Aboriginal nations and countless historians?

Or is it more likely the case that Australians like Mr Mooney have long maintained an undignified silence on these issues, lest they be forced to admit that they are the great beneficiaries of the suffering and dispossession of others.

Mr Mooney then appears to blame Aboriginal culture itself for the disadvantage my people endure.

"Does indigenous culture itself play a part in maintaining 'indigenous disadvantage'?" he asks.

This is a long-established practice among the advantaged. Blame the poor for their poverty, the slaughtered for their slaughter, the enslaved for their slavery, and the dispossessed for their dispossession.

Of course, we could ask, as some Australians have in the past, how we might be placed if our ancestors were the ones dispersed and dispossessed.

Would we be disadvantaged today?





The “pull yourself up by your bootstraps” outlook on life is neither helpful, nor realistic. It’s the hollow rant of the advantaged who feel confident they would rise from disadvantage if they ever experienced it.

Of all the offensive rants contained in Mr Mooney’s manifesto, this one is perhaps the worst: “We need to stop romanticising traditional cultures, and place them in their appropriate context – the past.”

I’m not sure who Mr Mooney claims is “romanticising” Aboriginal culture, but I can assure him, Aboriginal culture is alive and well

today. It’s practised in every corner of this continent, and no amount of bad will on the part of people like Mr Mooney is ever going to change that.

Aboriginal culture is acknowledged and revered around the world as the oldest surviving culture on earth. That’s something we can choose to celebrate, or not.

But we should all understand that it is precisely the sort of mean-spirited denialism that flows from people like Mr Mooney which has helped maintain a wedge between the first Australians and all others. There is work to be done on both

sides, but we will never build a cohesive society while this type of attitude pervades.

Affording Aboriginal Australians the same rights as everyone else – rights denied us for hundreds of years – will not disadvantage mainstream Australians. Lifting up my people lifts us all.

I think it’s time we placed Mr Mooney’s type of thinking “in its appropriate context – the past”.

Sol Bellear
Long-time activist and
chairman of the Aboriginal
Medical Service
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