

Stolen Generations' Online Testimonies as Sources of Social Justice:

Towards an Ethics of Encounter

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In this paper, I am using the provocation of 'the source' to examine the significance of a recent iteration of Stolen Generations testimonies to questions of contemporary social justice. This testimonial form has had a complicated and fraught history across Australian legal and cultural domains: in the handful of cases that have dealt with injuries arising out of the Stolen Generations, courts have placed oral testimony in contest with state documentary records¹; oral testimony has also featured in different iterations of extra-legal Stolen Generations projects, which have been produced by state, corporate and Indigenous parties, sometimes leading to the problem of testimonies being co-opted into state and private projects, which do not necessarily benefit Indigenous people.² Given these histories, how are Stolen Generations testimonies encountered in 2013? What do these encounters mean to contemporary political and juridical life, and what is the nature of the public and scholarly obligations that arise through these encounters? What does such an investigation mean for a recent project, the 'Stolen Generations' Testimonies' online project,³ which was developed with the goal of promoting healing and social justice?

¹ For a discussion of the relation between oral testimony, documentary record and the courts' treatment of history, see, e.g., Trish Luker, "'Postcolonising' Amnesia in the Discourse of Reconciliation: The Void in the Law's Response to the Stolen Generations", *Australian Feminist Law Journal* 22 (2005): 67; Trish Luker, 'Intention and Iterability in *Cubillo v Commonwealth*', *Journal of Australian Studies* 28, (4, 2005): 35; Ann Genovese, 'Metaphor of Redemption, Myths of State: Historical Accountability in Luhrmann's *Australia* and *Trevor v South Australia*', *Griffith Law Review* 20 (2011): 67; Pam O'Connor, 'History on Trial: *Cubillo and Gunner v The Commonwealth of Australia*', *Alternative Law Journal* 26 (2001): 27; H. M. van Rijswijk and T. Anthony, 'Can Common Law Adjudicate Historical Suffering? Evaluating *South Australia v Lampard-Trevor* (2010)', *Melbourne University Law Review* 36, (2, 2012): 618–55. See also Chris Cunneen and Julia Grix, 'The Limitations of Litigation in Stolen Generations Cases' (Research Discussion Paper No 15, Australian Institute of Aboriginal and Torres Strait Islander Studies, 2004); Robert van Krieken, 'Is Assimilation Justiciable? *Lorna Cubillo & Peter Gunner v Commonwealth*', *Sydney Law Review* 23, (2001): 239.

² The history and impact of extra-legal testimonial projects will be discussed in some detail in the following section.

³ www.stolengenerationstestimonies.com.

The Stolen Generations' Testimonies initiative recorded over thirty personal testimonies of survivors in 2009, and posted them online in 2012, with plans for more testimonies to follow. The Stolen Generations' Testimonies Foundation states that, 'By allowing Australians to listen to the Survivors' stories with open hearts and without judgment, the foundation hopes more people will be engaged in the healing process.'⁴ These hopes are echoed by one of the participants in the project, Debra Hocking, a Stolen Generations survivor. Hocking states: 'There's nothing more powerful than the personal story. For people to understand, we have to open ourselves up. It's hard to tell our personal stories but we are doing this to educate people. For us to heal as a country these are the stories we need to share. They're sad stories but they're important stories ... For those people who do feel challenged about the "Stolen Generations", we ask you to listen to just one of these testimonies to see if you still feel the same. That's all we ask.'⁵

The hope of the Foundation is that the web-based project opens up multiple possibilities of encounter between Indigenous and non-Indigenous Australians, and that those encounters facilitate healing and social justice. This way of framing the testimonies raises a number of questions about the potentiality of these testimonies to facilitate social justice, in the context of current social and political imaginaries, and whether the hopes of the Stolen Generations Testimonies Board—and especially of those giving the testimonies themselves—can be realised.

The potential of testimony as a 'source' in the context of the Stolen Generations' claims for justice is that it offers the promise of resistance to the problematic discursive disciplines, meta-narratives, and myths that have arisen in relation to the Stolen Generations' experiences, which will be explored in more detail below. These meta-narratives capture material details of the Stolen Generations experience and instrumentalise them, and the hope is that, by encountering the source differently, there may be a way back to the particularity of experience: through an emphasis on the

⁴ www.stolengenerationstestimonies.com.

⁵ As above.

specific and the material, through an insistence on context, and through an awareness of temporality, these problematic narratives can be stripped away. Certain sources offer the radical potential of rupture, through their form and through their temporality: the testimonial form offers the speaking subject who might say anything, who might interrupt and challenge state myths and legal silences, and be instrumental in producing counter-archives and counter-narratives that defy the state and the status quo. But alongside the potential of the testimonial form, scholars have rightly pointed out the risks of discursive *discipline* of both speaker and witness.⁶ This latest iteration of Stolen Generations testimonies raises key questions of encounter and engagement: On what terms can a source be a domain of critical intervention in legal and political problems? Can the source itself offer a way out of, or through, problematic meta-narratives of reconciliation, redemption and apology, which, as will be described below, have worked to close down juridical and political demands through national myths and sentimental arcs?

Testimony as genre

Testimony is the effect of prescribed forms and processes, and can be thought of as a genre, or series of genres—being produced and witnessed across different political, legal, and also cultural domains. The effects of encounter in each of these domains are, of course, very different, and the shaping of these encounters is crucial to questions of justice: as will be explored in this section, one of the criticisms of public testimony projects is that they have encouraged mis-readings of Stolen Generations experiences, or perhaps what could more accurately be described as a misplacement of encounter.

This problem can be thought of as a problem of genre—where political engagement is turned into affective experience, crossing from the domain of politics into a literary or affective register. This is the argument of Robert Meister's recent book *After Evil: A Politics of Human Rights*,⁷ in which

⁶ See, for example, Rosanne Kennedy, Lynne Bell and Julia Emberley, 'Decolonising testimony: on the possibilities and limits of witnessing', *Humanities Research XV* (1, 2009); Rosanne Kennedy, 'Subversive Witnessing: Mediating Indigenous Testimony in Australian Cultural and Legal Institutions', *Women's Studies Quarterly* 36 (2008): 58.

⁷ Robert Meister, *After Evil: A Politics of Human Rights* (New York: Columbia University Press, 2011).

Meister argues that transitional justice should be understood as an aesthetic form, with which participants have been trained to engage as an audience (rather than as a political process with which participants engage as political beings—a response that would better serve the victims whose interests should lie behind such processes). The power in this argument lies in its analysis of the vesting of authority: Meister argues that participants in human rights discourses are vested with authority essentially through encounters of readership, which means that these discourses are not only eliciting a certain kind of substantive response, but a particular *mode* of response—they turn politics into an affective, even sentimental, endeavour. For Meister, this form of encounter is part of a wider historical process in which the political domain of action has been undermined—the effect of a turn to a certain kind of self-focused ethics, which tends to produce sentimentality.⁸ This turn, based on sentimental identification, does not necessarily serve social justice goals, and can in fact block the achievement of social justice (while at the same time disguising this fact). In Meister’s reading, transitional justice belongs to the historically specific discourse that he terms Human Rights Discourse. Human Rights Discourse refers to ‘[t]he ethically centered approach to human rights that triumphed after the fall of communism in 1989’, which ‘implicitly superseded the politically centered version of the Rights of Man that had been the focus of struggles for equality and liberty since the French Revolution of 1789.’⁹ Similar arguments to Meister’s have been made within the field of affect studies, including, in the Australian context, an analysis of responses to the Stolen Generations.¹⁰ Roseanne Kennedy argues that a didactic training of the Australian public began with the Council for Reconciliation, and was continued through the inquiry into the separation of children by the federal Human Rights and Equal Opportunity Commission (HREOC), and its subsequent report: *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*,¹¹ as well as through the

⁸ Meister, *After Evil*: see especially the preface and chapter 1.

⁹ Meister, *After Evil*, 5.

¹⁰ Joseph Slaughter makes a similar appeal regarding human rights discourses in his book *Human Rights Inc.*, where he characterises human rights as an encounter in which sentimental or humanitarian readers *vest themselves with authority* in relation to human rights projects. Accordingly, Slaughter calls for ‘a full sentimental education in human rights literacy.’ Joseph Slaughter, *Human Rights Inc: The World Novel, Narrative Form and International Law* (Fordham University Press, 2007), 326.

¹¹ Sydney: Commonwealth of Australia, 1997 (hereafter referred to as the *Bringing Them Home* report).

activities of the National Sorry Day Committee.¹² Kennedy compares this response to what Lauren Berlant has written about, in the context of the United States, as ‘a popular belief in national sentimentality, a rhetoric of promise that a nation can be built across fields of social difference through channels of affective identification and empathy’.¹³ A certain affect or empathy is felt, without the experience of the material conditions that cause the pain. *Bringing Them Home* was the medium through which testimonies of suffering circulated, prompting their audience to identify empathically with that suffering.¹⁴ Encountered in this way, the testimonies became a form of nation-building that has little to do with the material experiences of suffering, past or present.¹⁵

Significantly, the sentimental genre not only dictates the focus of the audience’s response, but also disciplines the audience into a particular domain of response: these archives are experienced as ‘scenes of suffering’ rather than as ‘scenes of injustice’,¹⁶ thereby foreclosing legal and political interventions. Meister argues that previously, when human rights registered in the political domain, the dominant narrative was that of a struggle for justice against perpetrators, with the idea that this fight would continue until the perpetrators were vanquished.¹⁷ But in the ethically centred Human Rights Discourse, justice is paired with reconciliation rather than combat, and the figure of the perpetrator is overshadowed by that of the beneficiary.¹⁸ Reconciliation is aimed at ending violence, rather than encouraging a struggle for justice, and the reconciliation narrative has the effect of leaving beneficiaries with their benefits, distancing them from responsibility for the past.¹⁹ The particular genre of transitional justice, Meister argues, is the melodrama, whose narrative arc encourages its audience ‘to pity victims without fearing them.’²⁰ The genre also determines the temporality of the justice offered. Meister argues that beneficiaries extend the period that falls ‘after

¹² Rosanne Kennedy, ‘An Australian Archive of Feelings’, *Australian Feminist Studies* 69 (26, 2011): 257, 270.

¹³ ‘The Subject of True Feeling: Privacy, Pain and Politics’, Jodi Dean (ed.), *Cultural Studies and Political Theory*, (Ithaca, NY: Cornell University Press, 2000), 128.

¹⁴ Kennedy, ‘An Australian Archive of Feelings’, 259.

¹⁵ See also Trish Luker, ‘Postcolonising Amnesia in the Discourse of Reconciliation: The Void in the Law’s Response to the Stolen Generations’, *Australian Feminist Law Journal* 22 (2005): 67.

¹⁶ Kennedy, ‘An Australian Archive of Feelings’, 270.

¹⁷ Meister, *After Evil*, 8–30.

¹⁸ Meister, *After Evil*, 23.

¹⁹ Meister, *After Evil*, 25.

²⁰ Meister, *After Evil*, 70.

evil’ and ‘before justice.’²¹ In the Australian context, the narrative arc of the removal of Indigenous children ends in reconciliation and closure, with the painful effects, along with responsibility, located in the past.²² For Orford, the *Bringing them Home* report ‘works, as do many other commissioned truths, to produce just such a sense of continuity and closure, of a unified past and a shared future within the liberal democratic nation-state’.²³ These aesthetics produce the Australian nation as a community of bystanders and beneficiaries regarding the harms of the past, with non-Indigenous Australians interpellated into relationship with Indigenous Australians through their demonstrations of bystander compassion, rather than through responsible and responsive action.

Ethics and aesthetics as modes of intervention

At the heart of this commentary is the argument that what was once (and should be) a political relation has been made into an aesthetic relation. Here, ‘genre’ becomes a trope that focuses critique of transitional justice processes, and a failure to read transitional justice processes properly—including its metaphors, organising narratives and investments in local or national aesthetics—becomes a failure that has juridical and political effects. The work of scholars such as Meister, Kennedy, Luker and Orford is one of diagnosis, which demands new literacies of scholarly and public engagement, namely literacies in genre and form, as well as an understanding of the ways in which these forms ultimately determine questions of politics and justice. This is a productive way of thinking through the ways in which, since the publication of the HREOC Report and its recommendations, certain HREOC recommendations have been taken up politically and in the public sphere, (such as the National Apology, and discourses of healing), while other, more political and rights-based approaches have fallen away (such as a national reparations scheme and human rights-based discourses).²⁴ This critical intervention becomes a way of thinking through elements of

²¹ Meister, *After Evil*, 13.

²² Orford contends that ‘[t]ransitional justice institutions are centrally concerned with temporality—how past injustices are to be given meaning as political practices, whether this meaning is transformed or interrupted or kept open across time, and the relationship of these questions to responsibility’: Orford, ‘Commissioning the Truth’, *Columbia Journal of Gender and Law* 15 (2006): 851–83, 880.

²³ Orford, ‘Commissioning the Truth’, 881.

²⁴ The conclusion was framed in the context of international human rights—finding that the forcible transfer of Indigenous children constituted cultural genocide under the United Nations Genocide Convention 1948 (ratified by

authority that are asserted and granted through reading practices, and which determine the ways we relate to each other, to the state and to laws. The problem of sentimental reading is thereby turned back productively against itself—through a reading against its grain.

This work suggests that a significant role can be played by extra-legal projects such as the Stolen Generations' Testimonies website, in providing encounters that encourage these new literacies. This role is especially important now, since the absence of a federal reparations scheme signals the failure of the political domain to address the issue, and the handful of cases that have been adjudicated by the courts suggest that the courts will not be an important domain of redress for injuries arising out of the Stolen Generations.²⁵ This work forms part of a larger project, but I would like to outline here a number of ways in which the online testimonies could encourage encounters not only with the testimonies themselves, but with the history of the Stolen Generations meta-narratives and myths that have arisen through and around the testimonies. These layered encounters could provide an understanding of the history and politics of the framing narratives within which testimonies have been received, and perhaps, also, the conscious development of new meta-narratives as a strategy of intervention—meta-narratives that thematise the relationship of oral testimony to the states' documentary archives, and which bring out the roles that state archives have played in the historical and contemporary lives of Indigenous people.

The first strategy is to bring out the framing narrative of the testimonies themselves, and the ways in which they have been received in legal and extra-legal settings—to narrate the history of the politics of the form, and the complicated ways in which testimonies have related to state narratives, and to the law. Stolen Generations testimonies have been initiated and produced through a number of institutional settings. Historian Bain Attwood has traced the early development of testimonies

Australia in 1949) and customary international law; the report recommended the use of the United Nations' van Boven principles for victims of gross violations of human rights, including a full range of reparation measures (restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition); and the report also recommended that a reparations scheme be adopted to deal with compensation arising from harms suffered by the Stolen Generations, and that there be a national apology (308–309).

²⁵ H. M. van Rijswijk and T. Anthony, 'Can Common Law Adjudicate Historical Suffering? Evaluating *South Australia v Lampard-Trevorrow* (2010)', *Melbourne University Law Review* 36 (2, 2012): 618–55.

through these settings, emphasising the role of changing practices within the discipline of history during the 1970s and 1980s, and the associated shifts in the discipline's relationship to the public sphere, with a move to 'bottom up' history and its focus on the common voice.²⁶ In the early 1980s, Coral Edwards and historian Peter Read established Link-Up, an agency that engaged in historical work regarding the separations, but also served practical and therapeutic functions in reuniting separated children with their families.²⁷ Around the same time, Peter Read coined the phrase 'Stolen Generations', in the context of a state report.²⁸ Then, between 1995 and 1997, the HREOC assigned testimony a special function, both in the processes of the inquiry and in the final report. The final report included extended extracts of first-person accounts that had been given as testimony to the Commission of Inquiry. The authors of the report stated that their aim was to be 'faithful to the language used by the witnesses quoted' and to 'relay as many of those individual stories as possible.'²⁹

A number of competing claims and criticisms have been made about the role of testimony in this report, and the ways in which testimony then shaped public and political responses to the Stolen Generations. Attwood is critical of HREOC's reliance on testimony and submissions of organisations such as Link-Up in writing the history of the Stolen Generations in its report, rather than soliciting historical research conducted by 'professional historians', and argues that placing testimony at the heart of the history of the Stolen Generations made this history 'vulnerable' to challenge.³⁰ Attwood argues that: '... testimony cannot and should not be regarded as the same as

²⁶ Bain Attwood, 'In the Age of Testimony: The Stolen Generations Narrative, Distance, and Public History', *Public Culture* 20 (1, 2008): 75–95, 82–85. Attwood argues that the testimonies themselves were overdetermined as a result of this process, producing what he calls a Stolen Generations narrative: As a recognising authority, Link-Up both called for and called up a particular kind of narrator—the children who had been removed—and a particular kind of narrative—oral history or testimony. At the same time, Link-Up influenced those who told their stories, especially those who had the opportunity to tell them in settler Australian domains. As narrators tell their stories to an institution, the form and content of their accounts tend to be shaped by their knowledge of what their audience expects to hear, but this is especially so in a narrative context such as this. (83)

²⁷ See above.

²⁸ Read had been asked by the New South Wales Family and Children's Service Agency to prepare a report on the history of child separation, which was later published as a pamphlet by the New South Wales Ministry of Aboriginal Affairs. Read initially titled the report 'The Lost Generations', and then changed it to 'The Stolen Generations' after deciding that the 'The Lost Generations' was too euphemistic. Peter Read, *A Rape of the Soul So Profound: The Return of the Stolen Generations* (Sydney: Allen and Unwin, 1999), 49, 219n1 cited in Bain Attwood, above, 83.

²⁹ *Bringing Them Home*, 20, 21.

³⁰ Bain Attwood, 'In the Age of Testimony', 88.

history, yet in many instances it has been charged with the role of not only transmitting the experience of the past but also documenting and explaining the events of that past—a task that it can seldom be expected to perform and in fact often does not even try to do.’³¹ Attwood’s argument raises a crucial point about the multiple and sometimes conflicting roles of testimony—including establishing the truth, encouraging healing, and eliciting empathic responses. However, Attwood’s argument does not take account of the socio-legal context in which the Stolen Generations testimonies arose, and why the HREOC process was charged with the responsibility of transmitting the truth through oral testimony, in addition to its roles in promoting healing and public education. Attwood suggests that the remedy to the problem of relying on testimony to support truth-claims would have been to ‘involve professional historians insisting on the need to undertake the conventional empirical work of historical research in order to provide sound accounts of what happened in the past (history as event)’ so that testimony’s role could ‘be more properly reserved to that of providing accounts of the impact of what happened on participants and bystanders (history as experience)’, and further, that the truth-function of testimony be tested ‘in institutions such as the courts, where it can be subjected to rigorous scrutiny in order to verify its account of historical events.’³² Anne Orford makes a similar argument, that as opposed to the truth-testing approaches of adversarial or inquisitorial legal proceedings, truth commissions ‘adopt a posture of faith towards the testimony of victims’.³³ She argues that this ‘means that the quality of the truth finally produced is suspect’, as these institutions do not have access to, or make use of, techniques that guarantee the truth.³⁴

However, Australian courts have had a long and complicated relation to ‘history’ and to historians, and have not proven to be an effective domain for the adjudication of injuries arising from the Stolen Generations. Criticism has been directed at the law’s uncritical preference of state documentary records over oral testimony given in court by Stolen Generations survivors, which is

³¹ Bain Attwood, 89.

³² Bain Attwood, 91.

³³ Anne Orford, ‘Commissioning the Truth’, 858.

³⁴ Orford, ‘Commissioning the Truth’, 859.

one reason why the common law has proved an inadequate forum in deciding ‘the truth’ in this context.³⁵ Disputes about who holds the authority to judge the past, how that past is to be proven, and who has access to the past, have been and continue to be central to legal questions, as well as to the wider ‘history wars’. It is crucial, in these contexts, that domains be made available for these questions to be tested outside the courts, and the encounters made possible through extra-judicial testimonies play an important role in the politics of history and social justice. In this context, it is necessary to hold onto the role of survivors’ testimonies outside legal settings as a way of transmitting truth, and not only the transmission of experience. It is also important that this history of the role of oral testimony to questions of social justice be thematised in the reception and understanding of public testimonial projects such as *The Stolen Generations Testimonies* online project.

The second strategy is to foreground the temporality of the framing narratives—of the ways in which the testimonial form, and the Stolen Generations testimonies, have been told in very different political contexts, from the 1980s to the present. Following the Apology and the failure of the Commonwealth government to institute a federal reparations scheme,³⁶ as well as the Labor government’s continuation of the Northern Territory National Emergency Response Intervention, the Stolen Generations testimonies have a different meaning in 2013 from what they held before 2008. The failures of the courts to become a significant site of adjudication for injuries arising out of the Stolen Generations are also clearer in 2013.

³⁵ See e.g., Trish Luker, ‘Ineffaceable Memories: The Truth of Testimony’, *The Australian Feminist Law Journal* 29 (2009): 133; Trish Luker, “‘Postcolonising’ Amnesia in the Discourse of Reconciliation: The Void in the Law’s Response to the Stolen Generations”, *Australian Feminist Law Journal* 22 (2005): 67; Pam O’Connor, ‘History on Trial: *Cubillo and Gunner v The Commonwealth of Australia*’, *Alternative Law Journal* 26 (2001): 27, 30. See also Chris Cunneen and Julia Grix, ‘The Limitations of Litigation in Stolen Generations Cases’, Research Discussion Paper No 15, Australian Institute of Aboriginal and Torres Strait Islander Studies, 2004; Robert van Krieken, ‘Is Assimilation Justiciable? *Lorna Cubillo & Peter Gunner v Commonwealth*’, *Sydney Law Review* 23 (2001): 239.

³⁶ Commonwealth, Parliamentary Debates, House of Representatives, 13 February 2008, 167 (Kevin Rudd, Prime Minister). Rudd’s apology only went so far—it did not acknowledge the full degree of the damage caused by removal policies to individuals and to Indigenous communities through the destruction of Aboriginal cultural identity and language; and Rudd did not commit to a federal reparations or compensation scheme, as had been recommended by the *Bringing Them Home* report. Instead, the apology emphasised the ‘discursive justice’ aspect of responses to the Stolen Generations, and implied that the state’s apology signified a closure of the past injustices, and a shift to a focus on the future. See e.g. John Frow, ‘Discursive Justice’, *The South Atlantic Quarterly* 100 (2, 2001): 331–48. Alexander Reilly, ‘How Sorry Are We? The limits of the Apology to the Stolen Generation’, *Alternative Law Journal* 34 (2009): 97; Nayanika Mookherjee et al., ‘The Ethics of Apology: a Set of Commentaries’, *Critique of Anthropology* 29 (3, 2009): 345–66.

The third strategy is to bring out and emphasise narratives within the testimonies that speak to the significance of oral testimony as against the historical privileging of the documentary record, and which relate to the role of the state archive in Indigenous people's lives. Through framing narratives such as those in the *Bringing Them Home* report, the focus of testimonies often becomes the scene of removal, whose significance depends upon subsequent legal or social recognition. Orford argues that the Report's 'narrative moves from a sense of boundaries transgressed through official and private acts of desire, violence, love, and sacrifice, and of a resulting network of obligations between the inhabitants of the nation, towards a vision of stable families in which all are sorted back into their proper places and all debts are paid'.³⁷ This has the effect of separating the event from its ongoing context, and creates a false distance between removal and the wider policies of past and present. But policies regarding the Stolen Generations are better understood as a series of ongoing practices.³⁸ Narratives of the continuing rupture of Indigenous lives are important—narratives that show the ways in which this suffering is not 'historical' for those who have survived, but present-day, and interrelated with current structural racism and gendered harms. Narratives of encounter with the government file, and the life of the file in the lives of Indigenous survivors, are also important. These narratives tell the story of state power, state coercion and duplicity, and the importance of testimony in the face of the documentary record. They tell of the agency of the documentary record and its 'doubly wicked' effects: first, the role of the record in falsely documenting neglect or consent as the occasion for removal, and then subsequently at the moment of judgment in the courts, creating a barrier to challenging the reasons for removal.³⁹

The online project includes a number of testimonies that can do this work—which speak to the role of the government record, and which can be further brought out and thematised through new framing narratives. In her online testimony, Debra Hocking recounts the story of her mother's life,

³⁷ Orford, 'Commissioning the Truth', 870–71.

³⁸ See Anne Orford, 'Commissioning the Truth'; Anna Haebich, *Broken Circles: Fragmenting Indigenous Families, 1800–2000* (Perth: Fremantle Arts Centre Press, 2000).

³⁹ See H. M. van Rijswijk and T. Anthony, 'Can Common Law Adjudicate Historical Suffering? Evaluating *South Australia v Lampard-Trevorrow* (2010)', *Melbourne University Law Review* 36, (2, 2012): 618–55.

and the ways in which her mother's attempts to try to preserve her Aboriginal heritage were coded as 'neglect'. Her Aboriginality, and attempts to preserve her Aboriginal culture, were at the heart of the reasons behind the removal of her children. Hocking's mother Jean tried to raise her family under constant monitoring, and amidst threats of the children being taken away:

My older sister said, she said 'Oh it was just awful,' because, you know, there'd be—they had to keep all the curtains open and the minute they saw a car pull up, you know, she said she'd run around and she'd try and make sure that everything—there was always something that she hadn't done. She was so scared because she knew they found anything, anything—a box of matches in the wrong place. 'What happens if the kids get hold of them?! You know Jean. You've been told about this. You know you've got to put that away. You know you've got to have more food in your cupboard. Otherwise we're going to have to take your children you know.' Poor Jean. There she was. Poor old mum, you know, running around. Making sure everything was alright.⁴⁰

Jean's story tells of the technologies of colonial violence that continued throughout the twentieth century and into the present, as evidenced by the continuing Intervention in the Northern Territory. Read this way, the testimonies reveal contemporary politics and relations to social justice projects, rather than being relegated to questions of the past. Testimony in the Stolen Generations has been overdetermined in ways that are deeply problematic; and yet, not only are we ethically bound to find ways of doing justice to testimonies, but in the current political and legal moment, they do hold radical potential. The task is to re-train public sensibilities and reading practices to change the nature of the encounter, and embed testimonies in counter-narratives that thematise not only the stories of removal and its effects, but the history and politics of the testimonial form itself.

Testimonies have been captured as part of state archival practices, but they can be recovered and reclaimed through certain practices and encounters. This paper has outlined an ethics of such an encounter, describing ways to promote awareness of form and temporality that are important in drawing attention to the politics of testimony, and its significant role in the justice that has been provided to survivors of the Stolen Generations. This critical intervention arises through the deployment of reading and interpretive techniques that draw attention to the ways in which the

⁴⁰ <http://stolengenerationstestimonies.com/index.php/testimonies/973.html>.

Stolen Generations testimonies have interpellated non-indigenous subjects into positions of non-responsibility. The goal is to find ways of framing and re-framing the testimonies, of drawing attention to the means of production of testimonies, as well as to the experience of encountering them. These techniques seek to emphasise the ethics of encounter, and to make these obligations keener and more self-reflexive; they provide a way to re-make ethical and aesthetic relations into modes of political encounter, and to develop those relations so that they promote the goal of social justice.