

## **The terms on which child abuse is made to matter: Media representations of the Aurukun Case**

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### **Abstract**

In 2007, six months after the Howard government announced its 'intervention' to combat child sexual abuse in the Northern Territory, the Australian mainstream news media extensively covered a child rape case in the Indigenous community of Aurukun. The media positioned itself as having a moral requirement to report the 'Aurukun rape case' in order to bring issues of Indigenous child sexual abuse to the attention of the public. This paper examines the representations of this case made available by mainstream news media, and specifically examines both the depiction of Indigenous communities as dysfunctional and in need of saving by white Australia, and the corollary claim that Indigenous child sexual abuse is very much 'our business', a claim that echoes a similar argument made twenty years ago by white feminist anthropologist Diane Bell in regards to talking about intra-racial rape in Indigenous communities. The paper concludes that the coverage of this case represents a form of 'war porn' that became more about white control over Indigenous lives and less an investigation into child sexual abuse.

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## Introduction

In August 2007 a case was heard in the Cairns District Court regarding the rape of a ten-year old Indigenous girl in the remote community of Aurukun in Queensland. Nine Indigenous males pleaded guilty to the rape. On October 24th and November 7<sup>th</sup> of the same year, Judge Bradley followed the recommendations of the public prosecutor in sentencing the seven juveniles involved to 12 months probation, and the two adult males to six months suspended jail terms (Storr 2009). The case first appeared in the news media over three months later, when *The Australian* newspaper 'broke' the story on 10 December 2007 (see *QLD Child Sex Case must be Reopened* 2007; Koch and Murphy 2007; Koch 2007a). Subsequent media reporting of the case adopted a position of moral outrage at the leniency of the sentences handed down by the judge, with articles in *The Australian* (primarily authored by Tony Koch), setting the tone for conservative reporting on the issue across all newspapers who reported on the case (e.g., see Koch and Murphy). This paper aims to analyse mainstream news media coverage of this event (and specifically that reported in *The Australian*) and in so doing aims to provide an overview of the discursive frameworks related to child abuse within Indigenous communities that were rendered intelligible to the general public through media coverage of this case.

First, however, it is important to locate this case within the political climate that existed at the time. In June 2007, two months prior to the hearing of what came to be termed the 'Aurukun rape case', then Prime Minister John Howard and Indigenous Affairs minister Mal Brough called a press conference in which they declared a 'state of emergency' in remote Indigenous communities. Primarily drawing upon the then recently released *Ampe Akelyernemane Meke Mekarle - 'Little Children are Sacred'*

Report (Northern Territory Board of Inquiry 2007), the Howard government announced an ‘intervention’ that would be enacted in order to address child sexual abuse in remote Indigenous communities in the Northern Territory (including welfare payment quarantining and measures to reduce access to pornographic materials and alcohol). In so doing, the government drew attention to significant problems facing such communities, whilst at the same time obfuscating both the underlying issues behind such problems (i.e., the ongoing effects of colonisation and child theft) and the inappropriate nature of many aspects of the ‘intervention’ (such as the compulsory take-over of Indigenous land. See Hinkson 2007; Stringer 2007; Watson 2009 for a discussion of these issues).

By using problems facing Indigenous communities to enact a regressive political agenda (i.e., legislating for the ‘intervention’ required the suspension of the *Racial Discrimination Act, XXXX*), Howard evoked what Baird (2008) has referred to as a discourse of ‘child fundamentalism’, one in which real children with very real problems are used as tools in the political agendas of those in positions of power. In this regard, then, any discussion of the so-called ‘intervention’ must be both suspicious of the motives of the government underlying it, whilst also recognising the fact that change must indeed occur within remote Indigenous communities, albeit through community rather than government control. To this end, some Indigenous people have voiced support for some form of intervention to address violence in remote Indigenous communities. For example, Marcia Langton has spoken in support of the ‘intervention’ within both academic and public forums (see for example, Langton 2007; Langton 30 November 2007). Notably, however, statements such as those provided by Langton are much more complex than those provided by the then Howard government, and are very much focused upon the dual concerns outlined

above (i.e., addressing violence in Indigenous communities, whilst refusing to do so in paternalistic or colonising ways). As a result, discussions about the forms that the Northern Territory ‘intervention’ has taken continue to occupy a contested space within both Indigenous and non-Indigenous Australia (hence our use of the term throughout this paper in apostrophes).

To return to the Aurukun case, the extensive coverage of the ‘intervention’ by the mainstream news media tended to make recourse to the case to bolster the claim that the ‘intervention’ was justified (and specifically, that a paternalistic ‘intervention’ was appropriate). This logic of justified ‘protection’ evoked in the reports is demonstrated in newspaper headlines of the time, such as ‘Tough Love needed to Save Aboriginal Children’ (*The Australian* 22 June 2007, 15), ‘Crusade to Save Aboriginal kids - Howard Declares ‘National Emergency’ to end Abuse’ (Karvelas 2007, 1) and ‘Nation's Child Abuse Shame - Grog-fuelled Sex Attacks Rife in Black Communities’ (Rothwell 2007, 1). In drawing upon discourses of ‘protecting’ and ‘saving’ Indigenous children, the mainstream news media largely echoed the rhetoric used by many politicians who supported the ‘intervention’ as a necessary step to stop child abuse. An example of this appeared in a response by then Prime Minister John Howard’s to a question from Tony Jones on *Lateline* regarding the ‘intervention’. Jones suggested that the ‘intervention’ was a ‘blow to self-determination’, to which Howard replied: ‘Well, some may see it that way, but is that more important than fixing the problem? I mean, see this has been the problem with so many of the approaches in the past to Indigenous affairs, that doctrines and notions have been given greater prominence than outcomes and solutions’ (*Lateline* 2007). So prominent was this moralising discourse of protection that at times it almost appeared to foreclose any possibility of debate as to the appropriateness of the ‘intervention’

within the mainstream media. In so doing, both the media and politicians appeared to fall back upon the bottom-line claim that child abuse in Indigenous communities is ‘everyone’s business’, a claim that eerily echoed a similar claim made by non-indigenous anthropologist Diane Bell twenty years ago when she published a paper on intra-racial rape in Indigenous communities.

We are of course now all familiar with the images of Indigenous children in remote communities which appeared on the front pages of newspapers around the country, and with details of the high levels of child sexual abuse occurring within these communities. Langton, following Baudrillard, has termed the prevalence of these images a form of ‘war porn’, in which the suffering of Indigenous people is parodied and ‘played out in a vast “reality show” through the media, parliaments, public service and the Aboriginal world’ (2007, 1). Langton continues on to argue that: ‘This obscene and pornographic spectacle shifts attention away from everyday lived crisis that many Aboriginal people endure’, a view also held by other voices on the topic such as Stringer (2007) who has described these images as ‘voyeuristic’. As such, it is argued in this paper that child sexual abuse in Indigenous communities became a ‘pornographic spectacle’ that was (re)produced time and again within mainstream news media reports of children sexual abuse in Indigenous communities, and in its reproduction, child sexual abuse in Indigenous communities was well and truly made to be ‘our’ business.

Our suggestion within the remainder of this paper, is that if abuse in Indigenous communities is claimed to be ‘our business’, then it is important to look at how this claim is made, and who is represented as being invested in making such a claim, and in what ways. Moreover, and as white academics and thus members of the ‘we’ for whom sexual abuse in Indigenous communities is supposedly ‘our business’,

we feel a responsibility to examine how such abuse is represented by white institutions such as the media. It is with this imperative in mind that we examine the mainstream news media coverage of the 'Aurukun rape case'.

### ***Privilege and the Politics of Voice***

As suggested above, the discourses and debates surrounding child sexual abuse in Indigenous communities introduced by Howard's 'intervention' and utilised in mainstream media reporting of the Aurukun case very much mirrored those evoked by Diane Bell in her article co-authored with Topsy Napurrula Nelson (1989) entitled 'Speaking about Rape is Everyone's Business'. In the article Bell and Napurrula Nelson argued that intra-racial rape in Indigenous communities in Australia had been overlooked and ignored and that it had to be exposed (in a feminist academic journal). The article drew a letter of protest signed by twelve Indigenous women in Australia headed by Jackie Huggins, and was published by the journal two years after the initial article appeared. Huggins et.al. (1991) argued that in fact intra-racial rape was not 'everybody's business', and that 'one may well see rape as everyone's business from a privileged, white perspective, however, when you are black and powerless it is a different story' (506). In making this statement, Huggins et.al. drew attention to the fact that there is no single universal experience shared by all women. Instead, the power and privilege accrued by white women in Australia (who continue to benefit from the ongoing effects of dispossession and genocide in Australia), and the corresponding marginalisation experienced by Indigenous women, lead Indigenous and non-indigenous (and specifically white) women to experience the world in very different, indeed, incommensurate, ways. As such, Huggins et. al. argued that white

women do not have the right to discuss rape on terms that imply that all women are equal (even if they claim to do so in collaboration with Indigenous women such as Napurulla Nelson).

In her analysis of the Bell-Huggins debate, Moreton-Robinson (2000) speaks of a discussion at an anthropology conference in which she, along with Jackie Huggins and Jo Wilmot, took part. She writes that:

The issue of control and ownership of knowledge did not arise and although I attempted to raise problems with Bell's methodology, questions from the audience personalised the discussion. White women in the audience tended to position Huggins as the ungrateful and angry black woman who did not believe in the spirit of equal treatment for all rape victims irrespective of race and culture. The white audience members adopted the line that Indigenous women did not seem to understand Bell was in fact doing us a favour by exposing intra-racial rape... What remained invisible to the white women in the audience was the way they were exercising their white race privilege to represent Bell's work as morally correct and the concerns of the Indigenous women as less morally sound (115-116).

Moreton-Robinson highlights here the fact that, for white Australians, exposing intra-racial rape in Indigenous communities is seen as doing Indigenous women 'a favour'. What those of us who identify as white Australians may often fail to appreciate is that we do not have a right to publically discuss and debate the lives of Indigenous Australians indiscriminately (and certainly not without equally examining our own complicity in ongoing forms of colonisation that contribute to the marginalisation of

Indigenous people). The claim to such a right, Moreton-Robinson argues, stem from an assumption of white values as being ‘the norm’ and therefore universally right.

With the Bell-Huggins debate in mind, then, both the Aurukun rape case and the Northern Territory ‘intervention’ can be read critically through the dual lenses of, firstly, the notion of ‘child fundamentalism’ and the associated, unquestioned, discourse of the need to protect children at all costs (albeit on particular terms) and secondly, the assumption that talking about abuse in Indigenous communities is ‘everybody’s business’. This is clearly seen in the mainstream news media coverage of the Aurukun rape case. As Storr (2009) writes, the mainstream media response to this case was dramatic, with aggressive calls made within the media for official responses to be made to the decision taken by the Judge, and for an Appeal to be heard despite the fact that by the time the case caught the attention of the press the time for an Appeal to be made had elapsed (notably, however, the case was appealed, largely due to the media outcry – and resulted in suspended jail terms for two the offenders). These news articles almost universally assumed a position in which it was their responsibility to report on the case (as per the approach adopted by Diane Bell in her article), and frequently employed the emotionality of ‘child fundamentalism’ discussed by Baird (2008) to justify this assumed responsibility (see also Slater, 2008, for a discussion of Aurukun and the representation of the ‘vulnerable’ Indigenous child).

As the media is a central tool in the dissemination of discourses such as those surrounding notions of what constitutes ‘protection’ and ‘safety’ for Indigenous children, it is vital to understand the images they provide to the general (white Australian) public about Indigenous communities. Indeed, we would suggest that such reports are often the only way in which the public gains their understandings of events



concerning marginalised groups of people (Blackman & Walkerdine, 2001). The news genre is particularly important in this regard, as it purports to simply ‘state the facts’ about an event, thereby ostensibly constituting ‘faithful reports of events that happened “out there”’ (Fowler 1991, 10). Therefore, in a case such as the Aurukun child rape case, the media may appear to simply report on a miscarriage of justice whereby white laws are depicted as having failed an Indigenous child. However, and as Fowler argues; ‘News is not a natural phenomenon emerging straight from “reality”, but a *product*’ (Fowler 1991, 222). Correspondingly, as a ‘product’ that operates in a social world, many news media theorists argue that in fact the news tends to support the interests of those in power, thus simply reproducing a conservative *status quo* (Fowler 1991, Hall 1978).

As such, whilst the news media may argue it covered the Aurukun case in an impartial, objective manner, we would suggest instead that it frequently functioned to reproduce conservative discourses that both reflected and reinforced a dominant world-view. Thus, the coverage of the case within the mainstream news media involved a re-centring of white voices as neutral arbiters of right and wrong, whilst simultaneously constructing Indigenous voices as partial and as inherently dangerous or damaging. The analysis presented in this paper is thus centrally concerned with the need to centre ‘us’ (i.e., white Australians) in the representations of child sexual abuse in Indigenous communities made available via the Aurukun case (i.e., to recognise how making the case ‘our business’ was as much about white Australia as it was about Indigenous children), and thus heeds calls made previously by Riggs that ‘any politics of voice must give consideration to the ways in which some voices are heard at the expense of others, and that in the process of warranting particular voices it is

often the case that certain people are constructed as active subjects at the expense of other people who are constructed as objects' (Riggs 2008).

### **Analysis**

As mentioned previously, the Aurukun case first appeared in *The Australian*, which subsequently continued to cover the case extensively including advocating for an appeal. A wider search of the *Factiva* database, with the search term; Aurukun and (sex\* abuse or rape) within all of Australia's major mainstream newspapers; *The Australian*, *The Age*, *Sydney Morning Herald*, *The Courier-mail*, *The Herald Sun*, *The Advertiser*, *The Northern Territory News*, *The Cairns Post* and *The Daily Telegraph*, returned one-hundred and ninety-seven news articles, all of which provided a relatively homogenous account of the case (as outlined in the following analysis). Our focus in this paper, however, is primarily on articles that appeared in *The Australian*. We do this for two reasons: 1) because 75% of the total 197 articles were published in *The Australian*, thus suggesting it as a key site in the development of the particular discourses identified in this paper, and 2) as the only national newspaper, *The Australian* holds a particularly privileged and powerful position with considerable capacity to legitimate a conservative view of Indigenous affairs to a large sample of national readers. Extracts from articles published in *The Australian* –and particularly those written by Tony Koch, articles for which Koch one a Walkley Award in 2008 – are thus presented alongside one extract from an article published in *The Age* in order to demonstrate that this conservative agenda extended beyond that presented in *The Australian*.

A close reading of the articles identified two main aspects of the mainstream news media's coverage of the case: Firstly, the ways in which Indigenous Australians (and especially Indigenous children) and communities were represented, and secondly, the ways in which these representations allowed the news media to assume a position in which they are able – indeed, morally required, as Diane Bell argued – to speak about rape cases such as the Aurukun case.

### ***Representations of Indigenous Australians and Indigenous Communities***

Indigenous communities, especially Aurukun, were frequently represented as violent, out-of-control, and dangerous. In this respect, representations of this case included discourses found in much other media research regarding the representations of Indigenous Australians, such as work by Hollinsworth (2005), Simmons and LeCouteur (2008), and Slater (2008) to name just a few. Many articles reported on tensions, fights and 'brawls' in Aurukun, however few discussed this in the context of colonisation, or located the community as one in which several groups of people were brought together in a church-run mission, disrupting the existing structures and ways of life which Indigenous people had. For example:

Extract 1:

News of the non-custodial sentences has added to the violent hatreds that exist in Aurukun between families and tribes and which have played a part in recent brawls involving dozens of assailants, many armed with sticks and spears (Koch and Murphy 2007, 1).

In this extract the complexities of communities such as Aurukun are acknowledged by reference to the 'violent hatreds that exist in Aurukun' between 'families and tribes'. However, whilst alluding to the fact that there are other factors at play in these so-called 'violent hatreds' by stating that the case 'added' to the existing tension, this article (like most others) did not locate these tensions in the context of colonisation, dispossession, and child theft. Instead, the extract uses this reference to 'violent hatreds' to draw upon and reproduce discourses of Indigenous Australians as 'violent' and 'out of control'.

This overlooking of the violence of colonisation enables the mainstream news media to comment on the situation in remote Indigenous communities without implicating itself, as a white institution, in those very structures that led to, and now reinforce, the marginalisation of Indigenous people. Instead, this violence is located here within the failure of white law in this instance, rather than as stemming from the initial process of colonisation. Thus Indigenous community violence is located in overly *permissive* policies rather than in the arguably paternalistic policies inherent in the 'intervention'.

In contrast to the construction of 'assailants' above who are represented as active and responsible for the 'brawls', Indigenous children were generally represented as passive victims. This can be seen in the following extracts taken from the same article in *The Australian*:

Extract 2:

The children in communities such as Aurukun must wonder what their lot in life really is when they look around and see the drunken nonsense, the sloth,

the dysfunction, the violence and, like this little girl, wait their turn to become the inevitable victim.

And, presumably, they learn at school or at church there exists a thing called justice -- that when somebody does wrong, that person is punished under the law...

Extract 3:

The Australian learned last night that she has been removed from Aurukun and put in a foster home 'well away', where, we are assured, she is receiving extensive medical and therapeutic help. So she continues to suffer. She is removed from her family and her home, yet the perpetrators are able to continue their lives in Aurukun -- after receiving the gentlest of slaps on the wrist for the awful thing they did.

Every thinking person with the slightest compassion should offer a prayer that this little black angel who has been so dreadfully wronged, so appallingly treated, so let down by our justice system, does not do what so many of her brothers and sisters do when the pain and inability to understand become too much (Koch, 2007a, 1).

Here, an image is created of Indigenous children as passive, helpless, and at the mercy of white officials and authorities to both help them and to create more functional communities. This is achieved through statements such as 'wonder[ing] what their lot in life really is', 'looking around at the drunken nonsense' and 'wait[ing] their turn to become the inevitable victim'. The solution to this passivity is constructed within Extract 2 as lying with white institutions (e.g., church and schools) where these

children can learn that there is a different life available to them. This construction of Indigenous children as passive and white institutions as able to save them is reflective of the findings of the Human Rights and Equal Opportunity Commission's (1991) *Inquiry into Racist Violence* Report, which found that it is only rarely in the mainstream media that Aboriginal people are presented as in control. Agentic Indigenous responses to abuse are not discussed here, thereby rendering Indigenous children and societies as both out of control and as passive and voiceless.

In Extract 3 it is stated that the child involved continues to suffer as she has been removed from her family and community. Here, white law is positioned as the cause of this suffering by allowing the perpetrators of the crime to remain in the community rather than in jail. This argument regarding the failure of white law leads to the positioning of rape as 'everybody's business', since the story is one about the failing of a white institution. Indeed, the positioning of the abuse of this girl as being the business of the mainstream public is explicitly referred to in the next paragraph through a call for compassion, and for 'every thinking person with the slightest compassion' to 'offer a prayer' for the child. Thus again, it is white religious institutions that are represented here as able to 'save' these children where the justice system was unable to do so. Interestingly, however, white people are held somewhat accountable in this extract given that it is '*our* justice system' that let the girl down, but the response that this evokes is not the removal of 'intervention' into Indigenous people's lives, but rather 'better' forms of it

The complexities in remote Indigenous communities such as Aurukun are alluded to through the reference to high suicide rates amongst Indigenous youth seen at the end of Extract 3. Again however, this reference is in passing and is used

rhetorically to elicit an emotional response to the case, and thus functions to further legitimate calls for ‘intervention’ from white Australia (i.e., a ‘better intervention’ or ‘better laws’, not recognition of the effects of colonisation and the need for community-driven responses to abuse). In doing so, this extract is reflective of Langton’s (2007) discussion of ‘war porn’ in which the suffering of the girl in this case is displayed repeatedly in this extract, with no consideration of the many complexities facing Indigenous children in communities such as Aurukun. The construction of Indigenous children as requiring white help is further evident in media reports such as the article from which the below extract is taken:

Extract 4:

She was a child of Aurukun's beer bottle era - a violent, drunken 13-year experiment into the officially sanctioned sale of alcohol. When she was born in August 1995, the town's alcohol canteen was five years old, and her mother was a raging alcoholic. Now aged 12, she is a multiple gang-rape victim whose story has been told around the world, a symbol of the moral decline of Australia's Aboriginal communities and the deeply flawed mainstream indigenous policies that have failed them.

At first glance she is just another bubbly and pretty Aboriginal girl – bright eyes, laughing smile, a shock of unkempt dark, curly hair. But she was born with fetal alcohol syndrome, which left her intellectually and emotionally unable to cope with the trauma of life in the remote, dysfunctional community of Aurukun on western Cape York....

Finally, in 2005, frustrated that the girl was making little progress, the department placed her with a non-indigenous foster family in Cairns, where

she remained for almost a year. All reports show this was an inspired placement. The family had another foster child, and this little Aboriginal girl appeared to be fitting in well. She was attending school, and the father took a year off from his public service job to give her constant supervision because he and his wife saw there was a little person worth saving hidden behind all that confusion and grief (Koch, 2007b, 1).

Here, we can see child fundamentalism at its most obvious in the image of ‘just another bubbly and pretty Aboriginal girl – bright eyes, laughing smile, a shock of unkempt dark, curly hair’, the type of child that the ‘intervention’ was to save: both young and innocent but living a life of trauma and dysfunction. Whilst white people are held somewhat accountable for this dysfunction in the form of failed ‘mainstream indigenous policies’, they are also positioned as being the answer since it is with a non-indigenous foster family that the girl was reportedly thriving. Interestingly, this extract is in direct contrast to Extract 3 above, in which it was reported that the child would continue to suffer since she was removed from her community. As such, the differential applications of these arguments serve to highlight the partial nature of news reports, rather than the claims to fact and objectivity made by the press. Of course it is conceivable that the child was thriving but nevertheless suffering as a result of being removed from her land and family. Yet this possibility is largely overwritten by the emphasis upon the contrast between the ‘healing’ foster family and the ‘dysfunction’ of Aurukun which only serves to perpetuate binaries of ‘good’ and ‘bad’ care that are incapable of considering the complex nature of kinship ties and the effects of cross-cultural foster care for Indigenous children (see Bamblett 2007 for an example of a news media report which does engage with a discussion of these issues).



*Discourses of Media Responsibility and Child Sexual Abuse as 'Everybody's Business'*

As several of the above extracts show, news media surrounding the Aurukun case frequently constructed the incident as being the business of (mainstream) readers by arguing that it was a failure of white law which led to the alleged perpetrators of the sexual abuse receiving non-custodial sentences. Thus the news media constructed the case as one which the general public had a right to know about, and which it had a responsibility to report on. This section considers these claims in more detail through analysis of several extracts that were typical of the arguments presented by the media regarding their moral responsibility to report on the Aurukun case. For example:

Extract 5:

This opportunity should be seized to send a clear message to communities everywhere that it is never possible for a 10-year-old girl to consent to have sex under any circumstances. And anyone who takes advantage of a young child for sex should expect more than to simply be told not to do it again  
*(QLD child sex case must be reopened, 2007, 19)*

This extract calls for the case to be reopened, and for 'a clear message' to be sent to 'communities everywhere' that it is not acceptable to have sex with a 10 year old girl. The use of the word 'communities' in this extract implies Indigenous communities rather than non-indigenous ones (given that the context of the article is a sexual abuse case in a remote Indigenous community), and thus the extract effectively argues that the white institution of the media has a responsibility to ensure that Indigenous Australia does not find sex with children acceptable. Intra-racial rape in Indigenous

communities therefore becomes the media's (and the public's, as consumers of the media) business since their outrage is required to hold the justice system accountable for 'simply' telling perpetrators 'not to do it again'.

Storr (2009) argues that what was primarily at stake in the mainstream media's coverage of the case in question was issues of the political and legal response to the decision rather than actually the case itself, and this can be clearly seen in this extract. Of particular interest here are the parallels between the construction of white law as required to be 'tougher', and the way in which the need for the 'intervention' was linked to policies which could be considered 'permissive' or amenable to Indigenous sovereignty, such as land rights regimes (see Altman 2007 and Watson 2009 for a discussion of the linking of the purported dysfunctionality in Indigenous communities with issues such as land rights and the permit system in debates surrounding the 'intervention'). Thus, media reporting of the sexual abuse case in question here mirrored media support for the 'intervention' in that both advocated for more control over Indigenous lives, seen here in calls for a 'clear message' to be sent to 'communities everywhere'. Such calls for 'justice' are shielded from criticism since their arguments are positioned as anti-racist, as seen explicitly in Extract 6:

Extract 6:

Queensland's Director of Public Prosecutions, Leanne Clare, will now review all sentences in Cape York communities in the past two years for sexual offences. The law should be applied consistently, whether it be at Aurukun or in suburban Clayfield, she said... The child abuse campaigner Hetty Johnston suggested there were 'elements of racism' in the decision. 'If this was a white

girl in white suburban Brisbane, there is no way these nine offenders would have just walked out of the courtroom', she said (Marriner 2007, 3).

This extract quotes the Director of Public Prosecutions in Queensland and a child abuse campaigner arguing that the result of the Aurukun case implied that the law was not being applied consistently, and that this was unjust, indeed 'racist'. It is worth noting here that in fact it is arguable that consistent application of the law does not create equality for Indigenous Australians, especially given that 'the law' in question is one which has been imposed upon an already complex system of laws which existed in Australia well before white people arrived (Watson 2002). However, the failure of white law discussed in this extract serves as a justification for the media to report on the Aurukun case (and indeed, as suggested above, for the need for yet more intervention by white law). The quote from an 'expert' (in the extract above, Hetty Johnston) serves to reinforce this justification since it provides evidence that the media is simply exposing an instance of 'racism' within the justice system.

Again, however, the media reports did not extend beyond a conservative analysis of the case (i.e. advocating for custodial sentences) to consider the historical (and indeed current) imbalances of power that enable a white justice system to deliberate on matters concerning Indigenous Australians. Indeed, white law may well have let the girl down by not punishing the perpetrators of this crime, but it may equally have let down the nine males if they were sentenced to time in jail. It may well be that it is not an appropriate vehicle for the delivery of justice to Indigenous communities in the first place (see Storr 2009 for a discussion of the inappropriateness of white law as a vehicle to deliver justice in the Aurukun rape

case). However, and with Extract 6 below being a good example, none of these considerations were covered within the media reports of this case:

Extract 7:

Mr Brough, the architect of the controversial intervention, said similar measures were needed in Queensland and Western Australia, where he claimed the incidence of violence and child abuse was equal to or even greater than in the Territory Aboriginal communities.

Mr Brough said it was tragic that the extent of indigenous violence and sex abuse hit the radar of the wider community only after scandals such as the Aurukun gang rape case. 'There has been a challenge to keep this problem in the public eye, so it gets the attention it deserves,' he said 'Why are people outraged now? It's not because a 10-year-old girl was gangraped, that happened two years ago, but because of the leniency of the sentences. What about getting angry in the first place about a situation that allows a child to be raped?' (McKenna 2007, 5).

Here Brough is quoted as arguing that the Northern Territory 'intervention' needs to be extended into other states where 'the incidence of violence and child abuse was equal to or even greater than in the Territory Aboriginal communities'. Indeed Brough argues explicitly, as had Diane Bell before him, that 'scandals such as the Aurukun gang rape case' need to be kept 'in the public eye, so [they] get the attention [they] deserve'. In relation to calls to keep cases such as this 'in the public eye', Cowlishaw (2003) argues:

It is often implied that public scrutiny of social problems has a healing effect, like the drying and healing of wounds with exposure to sunlight. The outpourings of media outrage in mid-2001, precipitated by accusations that the chairman of ATSIC had committed rape, implied that a scandalous level of violence in Indigenous communities could be fixed with the help of concerned public rhetoric and the goodwill of Australian citizens. But, to take the pathology metaphor further, if a wound is deep, such exposure can increase the pain and turn the wound into a deeper, more menacing abscess. As well, public goodwill has serious limits, and government action that follows scandalous revelations can be counter-productive. Contrary to what is often implied, images of depressed and depraved conditions in Aboriginal communities are both familiar and conventional.

What Cowlishaw highlights in this quote is the questionable nature of the assumption that bringing an issue to the attention of the public is necessarily going to precipitate a response that is considered and appropriate. Instead, these debates tend to pathologise Indigenous communities, as has been shown throughout this analysis. Indeed, as Cowlishaw points out, such images of 'depraved' conditions are hardly new in the media, making it questionable as to what purpose is really served by parading them yet again in response to the sexual abuse of a young child. Again, the repeated use of such discourses reflects Langton's (2007) conceptualisation of 'war porn' in the media's coverage of child sexual abuse in Indigenous communities.

## **Conclusion**

As seen in the analysis presented above, the mainstream news media constructed Indigenous communities as violent, and Indigenous children as passive and in need of saving by white Australia. Such representations then paved the way for the newspapers to legitimate their argument that they were morally required to bring the Aurukun case to public attention. As such, the media reports examined here utilised ‘child fundamentalism’ as a rhetorical device to justify the claim that they were simply performing a social responsibility by reporting on the miscarriage of justice that failed a ‘little black angel’. However, for this to achieve anything useful for Indigenous communities (if that were even possible given the paternalistic framing of Indigenous communities in media reporting), the category of ‘Indigenous children’ would need to contain much more than emotional responses of fear and moral requirements for white intervention as was seen within these extracts. As Baird (2008) writes, following Atkinson (2003): ‘Indigenous children in the NT, for example, must be understood as carrying a history of the brutalising practices of colonialism and a history of government inaction in response to problems that have been well known. That is, the idea that the child and childhood are matters of history and politics disrupts the capacity of the figure to work as a fetishised, unchallengeable truth’ (Baird 2008, 297). Thus, acknowledging that Indigenous children are born into a system which continues to oppress Indigenous Australians by (amongst other things) not acknowledging the violence of colonisation means that the simple emotional pleas to ‘save the child’ seen in these extract are problematic, and cannot act as a justification in and of themselves for the news to continue to stereotype and simplify issues such as child abuse in remote Indigenous communities.

The colonial relations of power that are ignored through ‘child fundamentalism’ become obvious in the extracts analysed above through the

representation of white Australian people as morally required to be aware of sexual abuse and rape in Indigenous communities. Arguably, this representation of white Australians leads to their identification as what Ghassan Hage would term ‘national managers’ (Hage, 1998), without whom Indigenous communities would spiral out of control. Such constructions of white Australians clearly ignore the continuing violence of colonisation, with white institutions instead presented as the only way in which, for example, Indigenous children can learn that there is a life outside what is represented as the dysfunction of the community of Aurukun.

The emotional responses evoked by ‘child fundamentalism’ function to justify news coverage of this incident due to the contention that child sexual abuse is ‘everybody’s business’. As previously argued, claims to the worth of bringing intra-racial child abuse to the public eye overlook the different power relations existing between Indigenous and non-Indigenous Australians. This is not to say that Indigenous child abuse is not also the responsibility of non-Indigenous Australians, or that there is not a place for the coverage of Indigenous issues within non-Indigenous journalism – indeed, by recognising their relative positions of privilege and the contingency of this privilege on the continuing oppression of Indigenous Australians, the mainstream media could play a powerful role in changing the dominant discourses seen in Australia regarding Indigenous affairs. However, by constructing Indigenous child sexual abuse as ‘everyone’s business’, and presenting cases such as that reported in this paper within discourses of violence and passivity within Indigenous Australia, the mainstream news media instead simply reinforce negative stereotypes of Indigenous Australians whilst simultaneously arguing for the continuation of paternalistic policies and the end of so-called ‘permissive’ ones.

It could of course be argued that, in reporting on the case, the news media were in fact judging the (white, colonial) justice system as not functioning correctly (instead of or addition to simply parading ‘war porn’ about Indigenous communities for mainstream readers). However, as mentioned previously, rather than being a system of *accountability*, the media tend to reinforce a conservative *status quo* (Hall 1978; Fowler 1991), and this tendency was seen in the media coverage of this case which (re)produced stereotypical discourses surrounding Indigenous Australians found in other media research (e.g., Simmons and LeCouteur 2008; Hollinsworth 2005). Indeed, it needs to be questioned whether perpetuating pervasive negative stereotypes of Indigenous communities (as also seen in the analysis presented above) actually provides a critique of existing systems or instead functions as part of a systematic racism in the mainstream newspapers which focus primarily on negative stories about Indigenous communities, thereby simply reinforcing dominant stereotypes. Indeed, as Cowlshaw argues, such images of ‘depraved’ conditions in Indigenous communities are hardly new to most Australians. Indeed, as the analysis presented here demonstrated, what is at stake in many of these extracts is in fact white *control* over Indigenous lives rather than an investigation into child sexual abuse in Indigenous communities. Thus these extracts come to be about the politics of Indigenous lives - as Storr argues in relation to the case, the ‘media coverage itself was from the outset directed more to chronicling political and legal responses to The Australian’s ‘*exposé*’ than to investigating the case itself’ (Storr 2009, 108).

Furthermore, the construction of Indigenous communities as violent and in moral decline overlooks any of the gains made by Indigenous peoples themselves in challenging violence within communities, and simplifies a very complex situation to being one requiring white people to be more active and to deliver justice and



protection to Indigenous children, thereby further making this case about white control rather than ‘justice’ as was claimed. This does not allow any space for considering the success of programmes designed by Indigenous peoples to combat issues of concern, nor the arguments of reports such as *Ampe Akelyernemane Meke Mekarle – ‘Little Children are Sacred’* which suggest that it is often those communities which retain a version of their own laws and beliefs, and which have schools which are based on Indigenous concepts and taught in the appropriate Indigenous language, which experience the least amount of crime (see *Ampe Akelyernemane Meke Mekarle – ‘Little Children are Sacred’* pages 130 and 164 for examples of community-based programmes which have been effective in reducing crime).

Indeed, such constructions of Aurukun may well ignore a different reality for children living in the community. For example, Lisa Slater writes of the Aurukun case, and her experiences working in the community on a multimedia program at Koolkan Aurukun campus; ‘While the reality behind these events is undoubtedly a tragedy for all concerned, it is not the only reality of life in Aurukun, or indeed of life for Aboriginal Australians. Aboriginal children and youth have deliberately and pointedly expressed alternatives to this now monolithic representation of dysfunction... The films demonstrate that Aboriginal children experience hope, joy, and delight, and that this manifests in their construction of the intelligent, exuberant body with an agency of its own’ (Slater 2008). Such agentic responses as discussed by Slater are very different to those which appeared in the news media analysed in this paper, or those which mobilised the ‘intervention’ in the first place.

To conclude, in response to the outcry resulting from this case the Court of Appeal reviewed the decision made Judge Bradley (despite the fact that the deadline for an Appeal had in fact passed), and on the 13<sup>th</sup> of June handed down a decision which resulted in custodial sentences for five of the nine offenders (Storr 2009). In regards to this outcome, Koch wrote;

Yesterday's Court of Appeal decision is proper justice in that it gave appropriate sentences containing a deterrent that won't be missed by Aurukun youth. It tells them, at last, that it is wrong to rape 10-year-old girls. And if you engage in that conduct, you will go to jail for a long time. Pretty simple message, easily understood (Koch 2008, 10).

Given the above analysis and previous literature surrounding the representation of Indigenous Australians in the mainstream Australian news media, it is suggested here that in fact the messages provided by the newspapers which led to the Appeal are *too* simple, and *too* easy to understand. As Hunter specifically argues in relation to the 'intervention', the 'oversimplification of these issues diminishes our capacity to construct effective policy options' (Hunter 2007, 39). If the unequal power relations existing in Australia are ever to be overturned, the discourses perpetuated by the mainstream news media must be examined, as must the assumed right of the media to discuss the lives of Indigenous Australians (and in this case an Indigenous child) in intimate (frequently, negative and stereotypical) detail. It must also be recognised that intra-racial rape and sexual abuse in Indigenous communities is *not* 'everybody's business' - as Nicole Watson said in a recent conversation published in borderlands e-journal: '...why should our women actually be portrayed in the media, why should we need to convince the Australian public that we care about our children and that it's a

human thing to care about your children? Why should we be in the position where we have to convince white Australians of our humanity?’ (Watson 2009).

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### **Reference List**

- Altman, Jon. 2007. The Howard Government’s Northern Territory Intervention: Are neo-paternalism and Indigenous development compatible? *Centre for Aboriginal Economic Policy Research* 16.
- Atkinson, Judy. 2003. A nation is not conquered. *Aboriginal Law Bulletin* 3(80): 4-9.
- Baird, Barbara. 2008. Child politics, feminist analyses. *Australian Feminist Studies* 23 (57): 291-305.
- Bamblett, M. 2007. Time to place Australia’s first children first. *ABC News*, 13 December. <http://www.abc.net.au/news/stories/2007/12/13/2118000.htm> (accessed 10 November, 2009).
- Behrendt, L. 2000. Consent in a (neo)colonial society: Aboriginal women and sexual and legal ‘Other’. *Australian Feminist Studies* 15 (33): 353-367.

- Bell, D. and Topsy Napurulla Nelson. 1989. Speaking about rape is everyone's business. *Women's Studies International Forum* 12 (4): 403-416.
- Blackman, L. and V. Walkerdine. 2001. *Mass hysteria: Critical psychology and media studies*. Hampshire: Palgrave.
- Cowlishaw, G. 2003. Euphemism, banality, propaganda: Anthropology, public debate and Indigenous communities. *Australian Aboriginal Studies* 2003 1: 2-18.
- Fowler, Roger. 1991. *Language in the news: Discourse and ideology in the press*. London: Routledge.
- Hage, G. 1998. *White nation: Fantasies of white supremacy in a multicultural society*. Australia: Pluto Press.
- Hall, Stuart, C. Critcher, T. Jefferson, J. Clarke and B. Roberts. 1978. *Policing the crisis: Mugging, the state, and law and order*. London: Macmillan.
- Hinkson, Melinda. 2007. Introduction: In the name of the child. In *Coercive reconciliation: Stabilise, normalize, exit Aboriginal Australia*, edited by Jon Altman and Melinda Hinkson. North Carlton, VIC: Arena Publications.
- Hollinsworth, D. 2005. 'My island home': Riot and resistance in media representations of Aboriginality. *Social Alternatives*, 24 (1): 16-20.
- Howe, A. 2009. Addressing child sexual assault in Australian Aboriginal communities: The politics of white voice. *The Australian Feminist Law Journal* 30: 41-61.
- Huggins, Jackie, Willmot, J., Tarrago, I., Willetts, K., Bond, L., Holt, L., Bourke, E., Bin-Sallik, M., Fowell, P., Schmider, J., Craigie, V., and L. McBride-Levi. 1991. Letter to the editor. *Women's Studies International Forum* 14 (5): 506-507.

Human Rights and Equal Opportunity Commission. 1991. *Racist Violence: Report of the National Inquiry into Racist Violence in Australia*. Canberra: Australian Government Publishing Service.

Hunter, Boyd. (2007). Conspicuous compassion and wicked problems. *Agenda*, 14 (3): 35-54.

Karvelas, Patricia. 2007. Crusade to save Aboriginal kids: Howard declares 'national emergency' to end abuse. *The Australian* 22 June: 1.

Koch, T. 2007a. Arrant nonsense of a justice system that fails the innocent. *The Australian* 10 December: 1.

Koch, T. 2007b. Born of grog violence to child tragedy. *The Australian* 15 December: 1.

Koch, T. 2008. One scrap of good news in a squalid story. *The Australian* 14 June: 10.

Koch, T. and Padraic Murphy. 2007. No jail for rape of girl, 10 – Judge says victim 'probably agreed to gang sex'. *The Australian* 10 December: 1.

Langton, M. 2007. Trapped in the Aboriginal reality show. *Griffith Review* 19.

*Lateline*. 2007. Tony Jones talks to Prime Minister John Howard. ABC Television, 21 June. Available from <http://www.abc.net.au/lateline/content/2007/s1958609.htm>

Marriner, Cosima. 2007. All Cape York sentences face audit. *The Age* 11 December: 3.

McKenna, Michael. 2007. Expand NT intervention to stop the violence: Brough. *The Australian* 14 December: 5.

Moreton-Robinson, Aileen. 2000. *Talkin' up to the white woman: Indigenous women and feminism*, Brisbane: University of Queensland Press.

Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse. 2007. *Ampe Akelyernemane Meke Mekarle - 'Little children are sacred'*. Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse. Darwin: Northern Territory Government.

*QLD Child Sex Case Must be Reopened*. 2007. *The Australian* 10 December: 19.

Riggs, D.W. 2008. White mothers, Indigenous families, and the politics of voice. *ACRAWSA e-journal*, 4.

Robertson, B. 1999. *Aboriginal and Torres Strait Islander Women's Taskforce on Violence Report*, Brisbane: Queensland Government.

Rothwell, Nicolas. 2007. Nation's child abuse shame. *The Australian* 16 June: 1.

Rundle, Guy. 2007. Military humanism in Australia's north. In *Coercive reconciliation: Stabilise, normalize, exit Aboriginal Australia*, edited by Jon Altman and Melinda Hinkson. North Carlton, VIC: Arena Publications.

Simmons, K. and LeCouteur, A. 2008. Modern racism in the media: Constructions of the 'possibility of change' in accounts of two Australian 'riots'. *Discourse and Society* 19(5): 667-687.

Slater, Lisa. 2008. 'Aurukun, we're happy, strong people': Aurukun kids projecting life into bad headlines. *Borderlands e-journal* 7(2): Available from:

[http://www.borderlands.net.au/vol7no2\\_2008/slater\\_aurukun.htm](http://www.borderlands.net.au/vol7no2_2008/slater_aurukun.htm)

Stringer, Rebecca. 2007. A nightmare of the neo-colonial kind: Politics of suffering in Howard's Northern Territory Intervention. *Borderlands e-journal* 6(2): Available from [http://www.borderlands.net.au/vol6no2\\_2007/stringer\\_intervention.htm](http://www.borderlands.net.au/vol6no2_2007/stringer_intervention.htm)

Storr, C. 2009. The Aurukun rape case, Indigenous sentencing and the normalisation of disadvantage. *Australian Indigenous Law Review* 13 (1): 107-113.

Watson, Irene. 2002. Aboriginal laws and the sovereignty of *Terra Nullius*. *Borderlands e-journal* 1(2): Available from [http://www.borderlands.net.au/vol1no2\\_2002/watson\\_laws.html](http://www.borderlands.net.au/vol1no2_2002/watson_laws.html)

Watson, Nicole. 2009. Of course it wouldn't be done in Dickson! Why Howard's battlers disengaged from the Northern Territory Emergency Response. *Borderlands e-journal* 1(8): Available from [http://www.borderlands.net.au/vol8no1\\_2009/nwatson\\_dickson.htm](http://www.borderlands.net.au/vol8no1_2009/nwatson_dickson.htm)