ABC News

Fact check: Was Lachlan Macquarie a mass murderer who ordered the genocide of Indigenous people?

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The claim

Lachlan Macquarie, governor of NSW from 1810 to 1821, is often remembered by history as a man of the enlightenment who brought civilisation to the colony.

Indeed, the plaque attached to his monument in Sydney's Hyde Park reads: "He was a perfect gentleman, a Christian and supreme legislator of the human heart."

But late last month Bronwyn Carlson, head of Indigenous Studies at Macquarie University, challenged this during an ABC RN Breakfast interview. Asked if she would be satisfied with a different or additional plaque, Professor Carlson said:

"Would people be satisfied to say this: 'Here stands a mass murderer who ordered the genocide of Indigenous people'?"
Is this characterisation of Macquarie accurate? Did Macquarie commit mass murder? Did he order genocide? RMIT ABC Fact Check delves into a fraught and controversial part of our history.

The verdict

The issue is not cut and dried. In April 1816, Macquarie ordered soldiers under his command to kill or capture any Aboriginal people they encountered during a military operation aimed at creating a sense of "terror".

At least 14 men, women and children were brutally killed, some shot, others driven over a cliff.

Although Macquarie's orders included an instruction to punish the guilty with as little injury to the innocent as possible, archival evidence shows he knew innocent people could be killed.

In addition, Macquarie explicitly instructed his soldiers to offer those Aboriginal groups encountered an opportunity to surrender, and to open fire only after meeting "resistance".

These instructions appear to have been ignored. Historical records suggest the soldiers offered no opportunity to surrender, opening fire on a group of people ambushed at night and who were fleeing in terror.

Macquarie appears to have glossed over this failure in the weeks following the massacre, telling his superior back in England that his men acted "perfectly in Conformity to the instructions I had furnished them", and claiming the soldiers had indeed encountered resistance before opening fire.

Macquarie was ultimately responsible for his men. By today's standards, his actions — and lack of action in not bringing soldiers who disobeyed his instructions to account — would, as a minimum, likely be regarded as a war crime involving a disproportionate response that led to a significant loss of life.

And, depending on the definition, the incident might also be described as "mass murder", perhaps akin to recent military massacres in which innocent civilians attempting to flee were killed.

The issue of whether or not the actions amount to genocide is a complex one. A legal definition of genocide did not exist until after World War II. It is questionable whether this can be applied retrospectively to Macquarie's actions, which took place some 130 years before the UN General Assembly made genocide a crime under international law.

Furthermore, it seems unlikely that Macquarie set about deliberately to "destroy, in whole or in part, a national, ethnical, racial or religious group", as per the UN definition, however misguided and destructive some of his Indigenous policies might have been. It is, therefore, problematic to suggest that Macquarie, as an individual, was guilty of ordering genocide.

However, it can be argued that the impact of the wider conflict between Aboriginal people and Europeans (whether soldiers or vigilante settlers), combined with a range of other factors — the loss of land and food sources, the spread of disease, the removal of children, and alcohol abuse, for example — contributed to the large-scale loss of life and culture that resembled genocide.

Defining mass murder

Mass murder is generally considered to involve the murder of multiple people in a relatively short space of time and within close proximity to one another.

The FBI, for example, defines mass murder as an event with a number of murders (four or more) occurring during the same incident, with no distinctive time period (or "cooling-off period") between the murders.

Fact Check will assume that mass murder can be committed by an individual, a group, an organisation or a government.

Defining genocide

There are a number of definitions of genocide. In broad terms, genocide involves deliberate and systematic actions to destroy or partly destroy a particular group of people, whether defined by ethnicity, religion, culture, nationality, geography or

language. The UN General Assembly made genocide a crime under international law in 1946. In 1948, it defined genocide as:

"Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group."

The term "ethnocide" is sometimes used as a broader concept to describe actions that contribute to the elimination of a culture, such as denying a group the right to speak a language or practise a religion.

According to the Shorter Oxford English Dictionary, the word "genocide" first appeared in 1944. It was derived from the Greek words for race and killing, meaning the "annihilation of a race".

Former High Court judge Michael Kirby, who recently headed a UN commission of inquiry into human rights abuses in North Korea, said the international legal definition had expanded this common meaning to the annihilation of a race or part of a race, in consequence of acts of violence caused as a result of state policy. "However, in the international legal definition in the Genocide Convention of 1948, the common meaning has been reduced in ambit by the requirement, to prove genocide, that the annihilation occurred on the grounds of 'the race, ethnicity or nationality of the victims or their religion'," Mr Kirby told Fact Check.

"Accordingly, at least under the 1948 Convention, annihilation of a race or part of a race because of political opinions or beliefs or suspected opinions or beliefs or other reasons does not fall within the present legal definition under the treaty."

Macquarie as Governor

Macquarie is often recognised as a governor who demonstrated relatively progressive policies towards Aboriginal people. For example, the 1967 Australian Dictionary of Biography entry on Macquarie describes his approach as an expression of "humanitarian conscience".
It lists, among other things, the "Native Institution" he set up to school Aboriginal children, an Aboriginal farm at George's Head that he established and his system bestowing orders of merit on "deserving" chiefs.

"No other governor since [Arthur] Phillip had shown them [Aboriginal people] so much sympathy," it says.

But such accounts, according to some modern historians, gloss over the cataclysmic impact that the British colony and its policies had on the Indigenous population. In the book First Australians, noted author and University of Melbourne academic Professor Marcia Langton, an authority on Indigenous history, writes that within the lifespan of a poor Englishman, the Aboriginal people of the Sydney region had been diminished to a vulnerable existence on the edge of the colony.

"Once the citizens of thriving societies, living well from fishing, hunting and harvesting the bounty of their superb landscapes, their numbers had been greatly reduced by the end of 1824, and each person could count scores of their kin who had died from diseases and violence, whether in drunken fights or at the hands of the settler vigilantes or the British army," Professor Langton wrote.

One of the most comprehensively documented military operations ordered by Macquarie against Aboriginal people was the massacre at Appin, near the Nepean River, in 1816.

The events leading up to the massacre, in which at least 14 Aboriginal men, women and children were killed by soldiers acting on the direct orders of Macquarie, are relatively well known.

Hostilities in the area around Sydney had intensified from about 1814, with Europeans and Aboriginal people killed and injured in a series of raids, attacks and counter-attacks.

Professor Grace Karskens, of the University of New South Wales, writes that although good relations and mutual assistance were common between settlers and Aboriginal people, violence almost always flared as a result of dispossession, the loss of food sources, the taking of Aboriginal women and children, assaults and shootings.

Macquarie had previously unsuccessfully attempted to convince both sides to desist from further violence. He had also tried to encourage assimilation, among other things, by setting up his "Native Institution" to school Aboriginal children, creating an (often misguided) chief system involving the awarding of crescent-shaped breast plates and encouraging local tribes to adopt European agricultural practices.

Macquarie's orders

However, in April 1816, having grown frustrated at the violence, Macquarie decided on a new course of action: a military raid comprising three separate detachments of soldiers with orders to capture or kill any Aboriginal people encountered.

Macquarie's rationale is recorded in his diary entry for April 10, 1816. A principal aim was to "strike the greater terror into the Survivors" as a means of preventing further conflict. Other objectives included "punishing the Hostile Natives", taking as many prisoners as possible, and protecting "the European Inhabitants in their Persons & Properties against these frequent and sudden hostile and sanguinary attacks". Macquarie also instructed his men to "procure" 12 "fine, healthy and good looking" Aboriginal boys and six girls for his "native institution".

Those making the slightest "show of resistance" or who failed to surrender were to be fired upon. Grown men that were killed were to be hung from trees in prominent positions "to strike the Survivors with the greater terror".

Efforts were to be made to take "every possible precaution to the lives of the Native Women and Children, but taking as many of them as you can Prisoners".

However, Macquarie was also upfront that women and children could be killed, ordering that they were to be buried "where they fell".

What actually happened on April 17, 1816

A first person account of the massacre was provided by Captain James Wallis, who led the group of soldiers involved. In his official report, Wallis wrote that he and his men crept up on an Aboriginal camp in the early hours of April 17 following a tip-off.

Fires were burning but the camp appeared deserted, until a child's cry alerted the soldiers that the group was hiding close by.

The soldiers then formed a line and "pushed on through a thick brush towards the precipitous banks" of the Cataract River and its 60-metre-high cliffs.

Barking dogs "gave the alarm", with the Aboriginal people fleeing towards the cliffs as the soldiers opened fire.

In his account, Wallis gave no indication the group was given an opportunity to surrender, despite Macquarie's orders.

"It was moonlight the grey dawn of morn appearing, so dark as to be able only to discover their figures bounding from rock, to rock before marching from quarters, I had ordered my men to make as many prisoners as possible, and to be careful in sparing and saving the women and children my principal efforts were now directed to this purpose, I regret to say some had been shot, and others met their fate by rushing in despair over the precipice."

In total, 14 bodies were counted, including women, children and the elderly. Two women and three children were captured, but no men.

In accordance with Macquarie's instructions, the bodies of two men (and, it would later emerge, probably one woman) were taken and hung "on a conspicuous part of a range of hills". Their heads were later hacked off and sent to Edinburgh University.

How did Macquarie respond in the aftermath?

On May 4, 1816 Macquarie issued a "proclamation", published in the Sydney Gazette. In it, Macquarie was upfront that "innocent" men, women and children had been killed. However, he justified the deaths by claiming they were a consequence of the Aboriginal group's failure to surrender when called upon to do so, and necessary to prevent further hostilities by terrorising "surviving tribes".

"And although it is to be apprehended that some few innocent Men, Women, and Children may have fallen in these Conflicts, yet it is earnestly to be hoped that this unavoidable Result, and the Severity which has attended it, will eventually strike Terror

amongst the surviving Tribes, and deter them from the further Commission of such sanguinary Outrages and Barbarities."

On June 8, Macquarie wrote to his superior in England, Earl Bathurst, describing the massacre. Macquarie noted that 14 Indigenous people were killed and five were taken prisoner after Wallis encountered "some resistance", although it is not specified what form this resistance took.

He omitted the fact that all five of the prisoners were women and children, but noted that, among the dead, were "[t]wo of the most ferocious and Sanguinary of the Natives".

He concluded that the officers in command of the detachments had acted "perfectly in Conformity to the instructions I had furnished them".

In this archival material, there is no evidence that the Aboriginal camp was either given an opportunity to surrender, or offered any significant resistance.

What do the experts say?

The Appin massacre can be viewed in historic or modern contexts.

Mr Kirby said he was reluctant to offer a view about Macquarie's actions, given the events took place "long before the international crime [of genocide] was mentioned, still less defined (1948)".
"It would seem to be anachronistic to backdate the legal concept to apply to conduct in a different era so long ago," Mr Kirby said.

He added: "It would seem arguably to be ahistorical to use the expression "genocide" to refer to events in NSW in early colonial times. This would only be permissible if it were made clear that those using the word were not using it as a legal concept but as a generic descriptive term.

"Thus, the events that occurred under the Khmer Rouge in Cambodia are often described as "genocide". However, as in the events found in North Korea, they do not appear to have been perpetrated on the grounds of the victims' race, ethnicity, nationality or religion; but on the grounds of actual or perceived political opinion or allegiance."

Professor Langton stressed that the Appin massacre was not an isolated incident, and could be regarded as mass murder. She said the idea that genocide has to be systematic and deliberate is used as a "thorny excuse" by historians.

"It looked for all the world like genocide, especially when you read the orders that were given. If they were given post-1945 you'd say, yes, that's genocide," Professor Langton told Fact Check.

"The problem is, pre-1945 … there is no international legal definition of genocide."

She added: "But you could mount an argument that it was, in fact, genocide. You don't have to completely wipe out a people for it to be genocide. If you want to retrospectively consider Macquarie's attempt to wipe out the Gandangara [at Appin], you would say that by a UN definition it looks, smells and feels like genocide. So, I don't think it is wrong to say it was genocidal, it's just that most historians … are going to disagree."

Stuart Macintyre, a professor of history at the University of Melbourne, said Macquarie's policy towards Indigenous Australians was relatively conciliatory. "He instituted an annual congress with the Eora people, sought to establish a system of seniority through which he could deal with them, and supported missions," Professor Macintyre said.

However, he said Macquarie's approach could be construed as genocide in the wider sense of that term since it was premised on conversion and a form of reconciliation at the expense of Indigenous customs, not to mention appropriation of resources.

But Professor Macintyre said the term "mass murder" was misleading. Instead, he believed that Macquarie's orders in the 1816 conflict should be interpreted as a war crime.

"I'd interpret his orders in 1816 as a war crime, a quite disproportionate response that led to substantial loss of life, but mass murder seems to me to be a misleading term."

Professor Karskens, an expert on colonial history in the School of Humanities and Languages at the University of NSW, said Macquarie did order and intend killing to happen. But his orders included a clear requirement that the soldiers were to wait until there were signs of resistance or a refusal to surrender.
In the case of the Appin massacre, these conditions were not met.

"It was [early] in the morning on the edge of a cliff and they were a camp of sleeping people," Professor Karskens said.

"They were hiding in the bush and a baby cried and then [the soldiers] walked into them and started shooting; so they had no chance to surrender."

Professor Karskens said Macquarie, a military man himself, was responsible for the actions of his captains and his soldiers, and the raid could therefore be regarded as a mass murder "in the act".

"He did order the shootings to happen and he didn't court-martial anyone or bring them to account for not obeying his rules, and for ending up shooting people who must have been innocent."

Professor Karskens said although the genocide question was a complex one, it was "not appropriate to one person".

"He didn't actually want to wipe them all out; he wanted to inflict terror on them so they would behave themselves, so they wouldn't cause trouble, so they wouldn't spear settlers, and they would assimilate and give their children up to his Native Institution."

John Connor, of the University of NSW, an expert on colonial and military history and the author of The Australian Frontier Wars 1788-1838, pointed out that Macquarie's orders stated the soldiers were to "punish the guilty with as little injury to the innocent Natives".
Macquarie also provided a list of Aboriginal men accused of carrying out the raids who were to be arrested or killed, stating that the 'Five Islands Tribe' had not taken part in the raids and were not to be attacked.

Dr Connor said British ideas of justice in this period included the concept of terror, or fear of punishment, to prevent individuals from committing crimes.

"This extended to leaving the bodies of executed criminals hanging on gibbets as an example. In Sydney, executed criminals were hung from gibbets on Pinchgut island (now Fort Denison). This explains why Macquarie ordered the soldiers sent to the Nepean River to hang up the bodies of any Aboriginal men killed during the operation."

He said Macquarie was not a mass murderer and he did not order the genocide of Indigenous people. Rather: "His orders authorised attacks on specific groups or individuals."

Sources

- Bronwyn Carlson, ABC Radio National interview, August 29, 2017
- United Nations Resolution 96 (I), The Crime of Genocide, December 11, 1946
- United Nations, Convention on the Prevention and Punishment of the Crime of Genocide, December 9, 1948
- N.D. McLachlan, Australian Dictionary of Biography, Volume 2, 1967
- Marcia Langton, First Australians, Chapter 1: Ngura barbagai, 2010
- Grace Karskens, Appin Massacre, Dictionary of Sydney, 2015
- Lachlan Macquarie, diary entry, April 10, 1816
- Captain James Wallis, journal entry, April 16-17, 1816
- Lachlan Macquarie, Proclamation, Sydney Gazette, May 4, 1816
- Lachlan Macquarie, Letter to Earl Bathurst, June 8, 1816