Discrimination against Australian Indigenous groups, including the right to own traditional lands, has received increasing attention, culminating in the referenda campaigns for full citizenship rights in the 1960s, the Mabo judgement (1992) and Prime Minister Kevin Rudd’s apology to the Stolen Generations (2008). The issue is not just one of deliberate dispossession and subjugation but also the clash of two groups of cultures (on the one hand, that of the British-led colonisation; on the other, those of the various Indigenous populations grouped together under the blanket term Aborigines and Torres Strait Islanders).

In this paper we will discuss how, regarding specifically property rights, the two sets of cultures used not only different conceptual systems but different rituals, both linguistic and semiotic, for establishing and recording these rights. We will examine how Aborigine peoples, once subject to a culturally alien legal system which manifested itself in ways that were both linguistically and semiotically unrecognisable for them, came, at first tentatively, to use the system as a means for securing redress and partial compensation. Legal discourse is viewed as part of a wider set of options within the social semiotic concerned (Halliday 1978, Hodge and Kress 1988), where meaning at all levels is not stable or fixed but subject to Peircean infinite semiosis.

To this end, we examine various petitions (reproduced in Attwood and Markus 1999), penned either by or on behalf of Aborigines, dating from the earliest periods of colonisation up to the 1970s, including the Yirrkala Bark Petition (1963), which sought to combine elements of both Aboriginal and Anglo-Australian legalistic semiotic / linguistic codes. The perspective is that of the function of such texts and their component parts seen as moves in the discourse within the cultural context, and on direct and indirect speech acts (Searle 1969, 1975).

1. Introduction

The central tenet of social semiotics is that language, and the discourse through which it is manifested, makes sense only in the context of the specific culture (i.e., the social situation and social reality) in which it occurs.

Given that circumstances may change and that society and culture (including the associated social interests and ideologies) are constantly changing, it follows that at no level is meaning fixed; rather it is a conceptual process subject to constant or “infinite” semiosis in the Peircean sense as established signs give birth to new signs as they are reinterpreted. This

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2 The author thanks Prof. Dolce of the Fondo Hickey / Commonwealth Library (Università del Salento, Italy) for access to materials used in this research, many of them donated by the Government of South Australia.
process is not only diachronic; the same discourse may mean radically different things to
different participants when they do not share the same social reality and perceive what
Malinowski called the context of situation\textsuperscript{5} in different ways.

Furthermore, such a process requires a negotiation not just of meaning in the narrow
linguistic sense but also in the broader semiotic sense. Communication – language use in a
particular context – is achieved through “language games”, as described by Wittgenstein\textsuperscript{6}, in
which participants use words not merely to represent states of affairs to each other but to
achieve concrete goals. Here, it is the rules of the game that are fundamental as they
determine how it is played, as Pears states:

\begin{quote}
It is Wittgenstein’s latter doctrine that outside human thought and speech there are no
independent, objective points of support, and meaning and necessity are preserved only in the
linguistic practices which embody them. They are only safe because the practices gain a
certain stability from rules. But even the rules do not provide a fixed point of reference,
because they always allow divergent interpretations. What really gives the practices their
stability is that we agree in our interpretations of the rules.\textsuperscript{7}
\end{quote}

Such rules can take a variety of forms (and as they change, so may the nature of the game in
question). Austin, Searle, Grice, and Sperber and Wilson are among the many scholars who
have looked into the fundamental conventions that underlie communicative exchanges (i.e.,
respectively: direct and indirect speech acts, conversational implicatures, and the centrality
of the concept of relevance).

In the field of law and related matters, there has long been recognition of the fact that the
“letter of the law” (which may be equated with the linguistic concept of text) is open to
different interpretations; Wittgenstein’s approach leads to the conclusion that the “spirit”
(which corresponds to with the concept of discourse), rather than being inherent and stable as
implied by the definition “the real meaning or intention of something as opposed to its strict
verbal interpretation”\textsuperscript{8}, is, by contrast, a socially-determined construct. Such a thing has
become increasing apparent as ethnic minority groups, and other similar groups from outside
the political mainstream, have learned to use legal processes to seek redress in matters of
concern to them, their societies and culture, thus affecting the negotiation of meaning which
typifies semiosis.

An obvious example of this is the growth of Aboriginal and Indigenous peoples’ rights
movements across the world. Russell emphasises the importance of law and legal discourse in
the colonialist enterprise:

\begin{quote}
As Robert Williams has put it. ‘Europe’s conquest of the New World was a legal enterprise.’\textsuperscript{9}
Law has provided the justifying discourse in taking over other people’s lands. Aboriginal
thinkers have often been struck by the way law has served as a kind of magic, so devoutly and
\end{quote}

\textsuperscript{5} Malinowski, Bronislaw (1923) The Problem of Meaning in Primitive Languages. In Ogden, Charles
K. and Ivor A. Richards (eds.).
\textsuperscript{7} Pears, David (1971) \textit{Wittgenstein}. Glasgow: William Collins and Sons (p. 168).
\textsuperscript{9} Williams, Robert A. Jr. (1990) \textit{The American Indian in Western Legal Thought: The Discourses of
Conquest}. New York: Oxford University Press (p. 6).
reverently have European authorities and their legal cadres believed in its self-redeeming powers.10

Inevitably, as Russell notes11, seeking to make sense of and then use the dominant groups’ legal discourse entails compromise:

Adopting the white man’s political means to achieve Aboriginal ends is a deeply ironic process. It means the colonized people’s greatest success in reducing, if not completely overcoming, their subjugation is achieved by adopting much of the colonizers’ political methods and culture. [...] The very vocabulary through which Indigenous leaders come to articulate their aspirations – referring to their societies as ‘nations,’ asserting an original ‘sovereignty,’ and claiming ‘title’ to their lands and waters is the vocabulary of the dominant society.”

In semiotic terms, a text can also take a variety of non-linguistic forms (e.g., artwork, rituals, behaviour). In this article, we shall concentrate on the linguistic but refer also to the semiotic because, as captured in the notion of intertextuality12, texts cannot be seen in isolation. As Thwaites et al.13 put it, “each text is influenced by the generic rules in the way it is put together; the generic rules are reinforced by each text”. Anglo-Australian legal discourse can be described in predominantly linguistic terms, as is normal in a culture that has built up a legal system that relies on verbal exchanges and written documents. In contrast, in the cultures of Aboriginal peoples14, other semiotic means are used to encode aspects of law. In participating in discourse with people of a broadly Anglo-Australian background, albeit on their terms, Aboriginal people will nonetheless bring their own set of generic rules taken from a wide variety of semiotic sources.

So diverse are the texts comprising the underlying intertextuality of the broader discourse between Aborigines and the authorities in the pursuance of land rights that they do not constitute a linguistic genre as such. If they did, one would expect to be able to make reliable predications typical of genre analysis15. Furthermore, in the corpus analysed in Section 6, the petitioners (the Aborigines) and the petitionees (the authorities) do not together constitute a single discourse community; among other things, as a group, it fails to meet at least one of the six criteria that Swales outlines, namely, it does not have “a threshold level of members with a suitable degree of relevant content and discoursal expertise”16. Separately, however, the petitioners and petitionees may constitute distinct discourse communities each within its own particular sphere, this being precisely what

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11 See supra note 9 (p. 131).
14 On the concept of ‘Aborigine’, Attwood notes: “The peoples living here prior to British Colonisation were not a homogeneous group implied by the name ‘Aborigines’. Instead they only came to have a common, Aboriginal consciousness in the context of colonisation.” Attwood (2003) Rights for Aborigines. Crows Nest (NSW): Allen and Unwin (p. xii).
16 See supra note 14 (p. 27).
makes these petitions, as attempts by one community to initiate discourse with another, so interesting.

2. Brief Background to Aboriginal Land Rights in Australia

Indigenous peoples’ land rights have been sources of contention wherever conquest has led to settlers enforcing their customs and laws. Within the context of the British Empire, Australia presents an extreme case because, compared to the USA, Canada and New Zealand, Indigenous peoples were afforded the fewest rights, even though the amount of land set aside for them was greatest\(^{17}\).

This harsher treatment arose from a combination of factors which aggravated tendencies present in the other three countries. First of all, since New South Wales was envisaged as a penal colony, initial settlers were concentrated in greater numbers in fewer areas. They were thus more self-sufficient than were early settlers in North America or New Zealand.

Secondly, in the cultures of the elusive Aboriginal societies encountered by the first settlers in New South Wales, technology and the material took second place to the spiritual. The first settlers saw nothing in such societies worthy of preservation. Later on, social Darwinism argued for treating the “Aboriginal race” as inferior and destined for extinction.

Finally, in Australia, liberal tendencies both from within and without were counteracted by the greater influence of powerful self-interested settlers. As elsewhere, imperial and colonial authorities had tried to establish rules for the treatment of Indigenous peoples and for the expansion of settlement in accordance with established international practices. In North America, in line with the so-called Law of Nations, George III’s Royal Proclamation (1763) and the Treaty of Niagara (1764) with representatives of various Indigenous peoples established that tribal lands could only be ceded to the Crown, and not directly to settlers, a precedent which was followed in New Zealand (Treaty of Waitangi 1840) and the various provinces of Canada. In Australia, this principle was adhered to only intermittently and inconsistently — more often when it was convenient, as in the rebuttal of the so-called Batman Treaty (see Section 3). Above all, the balance of military power being so firmly in the settlers’ favour, even with irregular forces, meant that there was less incentive to go through even the pretence of negotiation with the Aboriginal peoples. Consequently, imperial and colonial authorities’ edicts carried little weight in the hinterland of Australia, where powerful squatters occupied Aborigines’ land without permission from the Crown and were influential in local administrations.

In short, the concept of *terra nullius* was assumed to be applicable to the whole continent, despite the fact that legally, even initially in imperial eyes as Russell notes\(^{18}\), Australia was clearly a conquered and not a settled colony. However, it was the myth of *terra nullius* that was to remain in the national psyche until the landmark Mabo Judgement (1992) eventually debunked it.


\(^{18}\) See *supra* note 9 (p. 79).
3. Fabricating a discourse: the Batman Treaty

One case that is particularly symbolic in the treatment of Aborigines in Australia and illustrative of the contradictions of the whole approach by colonial authorities at various levels is the so-called Batman Treaty (1835), which Attwood uses as the central theme of his work on the possession of Australia. Apart from supposedly serving as a precedent for the applicability of terra nullius, it constituted one of the most blatant attempts to impose a certain kind of discourse on an uncomprehending Aboriginal people. In his discussion of events surrounding Batman’s dealings with the Kulin people in the Port Philip area (Victoria), Attwood stresses how, even if Batman’s account had been accurate, it is unlikely that the Kulin people could have understood the significance of the various legalistic acts that he performed. Batman had prepared a deed bearing “a strong resemblance to those found in the standard conveyancing manuals of the period.” Thus, by Batman’s own account, there must have been far less negotiation than the word treaty implies. In fact many of the basic concepts and notions underlying the kind of feoffment proposed by Batman were foreign to the Kulin, even if, as Attwood notes, by coincidence, some elements were superficially familiar to the Kulin ritual of tanderrum whereby they granted temporary access to resources in their territory. At heart there were inescapable differences between the two parties to the Batman “treaty”, central among these the way that the idea of property and possession is perceived, as Attwood states:

Finally, and most importantly, even had the Kulin ngurungaeta [leaders] grasped the nature of the ceremony of possession that Batman sought to perform, they would not have accepted it. As we have already observed, the concept of buying and selling land had no place in their world since they did not conceive of ownership in these terms. Instead, the Kulin had strongly developed concepts regarding the use of resources and the sharing of these. Alienating the land was literally unthinkable to them.

Such dysfunctional discourse may, however, lead to the negotiation of new meanings, illustrative of dynamic semiosis, to cite Attwood:

As the historian Richard White has remarked of cross-cultural encounters in North America, very different peoples often misinterpreted and distorted the meanings of the other people’s actions but from those misunderstandings new, shared meanings could arise.

4. Land Rights from the perspective of Aborigines

As the Batman episode shows, settlers either assumed that their concepts of property, possession and ownership were universal or that they were superior. In any case, coming as conquerors, they were unconcerned about the concepts of the Indigenous peoples; in the uncompromising words of US Chief Justice John Marshall (1755-1835): “conquest gives a title that the courts of the conqueror cannot deny.”

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20 See supra note 18 (p. 44).
21 See supra note 18 (p. 52).
22 See supra note 18 (p. 56).
23 See supra note 9 (p. 32).
For Aborigines, attachment to a particular territory or area is fundamental to the tribe’s identity. Given the nature of the environment in many parts of the continent, the group’s land was more a habitat than a territory in a proprietorial sense, knowledge of which was vital for such a community’s survival. In this sense it is perhaps more accurate to speak of the group belonging to the land than vice versa. This attachment was manifested in religious beliefs: continued occupancy or access to certain sites was crucial for the performance of certain ceremonies and for maintaining links with the ancestors.24

Traditionally, title in Aboriginal societies can be assigned to a corporate group or community or, in some cases, to an individual, and passed down according to criteria so complex that anthropologists continue to disagree about them25 relating to such things as tribal moiety or descent, whether patrilineal or matrilineal. However, such title is not based on corpus (physical control) in the Roman law sense, as Russell states, citing Young26:

The Aboriginal relationship to country or territory was “expressed not through absolute control of a distinct area, but rather through responsibility for sections of Dreaming tracks representing the travels of ancestral beings.”27

Nor did it entail animus (the intention to exclude others), as Attwood says:

They [The Aborigines] also had a sense of ownership in regard to the land but they conceived of that prerogative as a right to use the resources on particular parts of the landscape for a particular purpose – to fish, gather, hunt and so forth – and they did not necessarily regard these rights as being exclusive or permanent.28

In an earlier study of mine,29 a brief analysis is attempted of the way in which the notions of property and possession are conceptualised in English and in Aboriginal languages. Standard reference works on Aboriginal languages30 establish that in Aboriginal languages the concept of possession is encoded within the grammar in highly complex ways. In particular, I find that in the representative word lists compiled from the various Aboriginal languages recorded in Thieberger and McGregor31, words relating to possession and property do appear. Both of these facts dispel the myth that traditionally Aborigines cannot conceive of either possession or property32. What seems to be different, I conclude, is the degree of centrality of these

24 See Broome, Richard (2001) Aboriginal Australians, Black Responses to White Dominance 1788-2001 (3rd ed.). Crows Nest (NSW): Allen and Unwin (pp. 18-19): “The essence of this religious belief was the oneness of the land and all that moved upon it. It was a view of the world in which humans and the natural species were all part of the same ongoing life force. In the Dreamtime when the great ancestors had roamed the earth, they were human, animal and bird at one and the same time: all natural things were in a unity. The ancestors still existed in the here and now.”
27 See supra note 9 (p. 77).
28 See supra note 18 (p. 49).
29 Christiansen, Thomas (2010) “The concepts of property and of land rights in the legal discourse of Australia relating to Indigenous groups.” In Gotti, Maurizio and Williams, Chris (eds.).
32 This view, which might in another context seem to celebrate the Aborigines’ distinct identity and culture, in fact has often been used to justify the notion of terra nullius.
concepts within the broader culture. In the Aborigines’ less materialistic, less individualistic, less anthropocentric view of the universe, possession exists, as it would seem to do in most languages, in terms of the asymmetrical relationship identified by Langacker, where the possessor serves as a reference point through which to identify the target: the item possessed. As I emphasise, in the specific area of the relationship between ‘human’ and ‘land’ in Aboriginal languages, the roles of the reference point and target may be viewed as more flexible, even interchangeable.

5. Finding a voice within legal discourse

As Attwood and Markus note, there were initially few effective formal means for Aborigines to seek redress, and many of their attempts have probably not been recorded. Petitions do, however, survive. These were perhaps the easiest and most economical means to engage in legal discourse at the Aborigines’ disposal. Although petitions of a formal nature constitute a specific genre and would require expertise to draft, at the informal end, they are less formulaic and could be penned by a non-expert. Russell underlines the important function of petitions in the legal discourse between Aborigines and those in political power.

Petitions are interesting from the social semiotic point of view, as they consist of macro-speech acts which are essentially directive in nature, according to Searle’s system of categorisation (designed to cause the addressee to take some action), although, at the level of utterance, they may be composed of a whole variety of speech-act types.

Attwood and Markus feature the following documents which correspond to the definition of petitions above and which relate, in whole or in part, to issues related to land rights (Table 1):

<table>
<thead>
<tr>
<th>Petitioner(s)</th>
<th>Petitionee</th>
<th>Words</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Flinders Island residents</td>
<td>Queen Victoria</td>
</tr>
<tr>
<td>2</td>
<td>Maloga residents</td>
<td>Governor (NSW)</td>
</tr>
<tr>
<td>3</td>
<td>William Cooper</td>
<td>Representative, State Legislature (NSW)</td>
</tr>
<tr>
<td>4</td>
<td>Maloga residents</td>
<td>Governor (NSW)</td>
</tr>
<tr>
<td>5</td>
<td>Maloga residents</td>
<td>Premier (NSW)</td>
</tr>
</tbody>
</table>

35 See supra note 9 (p. 130).
38 This selection was carried out by us. Some of these are found reported verbatim within contemporary newspaper articles. Others which we excluded, were incomplete.
Table 1. Aboriginal Petitions featured in Attwood and Markus (1999)

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>1894</td>
<td>Poonindie residents</td>
<td>Native Protector (SA) (?)</td>
</tr>
<tr>
<td>7</td>
<td>1894</td>
<td>Point Pierce residents</td>
<td>Commissioner of Public Works (SA)</td>
</tr>
<tr>
<td>8</td>
<td>1911</td>
<td>Mat Kropinjere</td>
<td>Legislative council (SA)</td>
</tr>
<tr>
<td>9</td>
<td>1927</td>
<td>Australia Aboriginal Progressive Association</td>
<td>Premier (NSW)</td>
</tr>
<tr>
<td>10</td>
<td>1933</td>
<td>William Cooper</td>
<td>King George V</td>
</tr>
<tr>
<td>11</td>
<td>1935</td>
<td>Aboriginal representatives, South Australia</td>
<td>Government (SA)</td>
</tr>
<tr>
<td>12</td>
<td>1938</td>
<td>Deputation from Australian Abo Call</td>
<td>Prime Minister</td>
</tr>
<tr>
<td>13</td>
<td>1963</td>
<td>Yirrkala residents</td>
<td>Prime Minister</td>
</tr>
<tr>
<td>14</td>
<td>1967</td>
<td>Gurindji representatives</td>
<td>Governor General</td>
</tr>
<tr>
<td>15</td>
<td>1971</td>
<td>Yirrkala residents</td>
<td>Prime Minister</td>
</tr>
<tr>
<td>16</td>
<td>1988</td>
<td>Chairs of Northern and Central Land Councils</td>
<td>Prime Minister</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total 5860</td>
</tr>
</tbody>
</table>

(?) indicates that the information is presumed, not confirmed

As can be seen, in three of the 16 petitions, the petitioners are individuals (3, 8, 10); in the rest, they are collectives, either loose groups usually linked to a specific locality or tribes or associations. In the next section, we will analyse these petitions from the perspective of the speech acts manifested within them and thus of move in the language game in which the petitioners are participants.

6. Analysis of petitions

All the petitions listed in Table 1 either request a grant of land or compensation for the loss of some land. What is interesting in the context of conflicting perceptions of land rights and ownership is the basis for such claims. In Table 2 we collect all the parts of the various petitions that lay the basis for the Aboriginal petitioners’ land claims:

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39 Among these is William Cooper, the subject of Attwood and Markus (2004) Thinking Black: William Cooper and the Australian Aborigines' League. Canberra: Aboriginal Studies Press. Cooper also features among the Maloga residents. A copy of Cooper’s 1933 petition to King George V (10), the original having been lost by the authorities and never forwarded, was presented by Aboriginal leaders to Prince William on his recent private visit to Sydney (January 2010).

40 Not by coincidence, our use of this term is similar to its use in genre analysis: see Swales (1981) Aspects of article introductions. Birmingham (UK): The University of Aston, Language Studies Unit.
<table>
<thead>
<tr>
<th>Basis for Claim</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 1846 1.1 The humble petition of the free Aborigines Inhabitants of V.D.L. now living upon Flinders Island, in Bass’s Straits &amp;c &amp;c &amp;c. Most humbly showeth, That we Your Majesty's Petitioners are your free Children that we were not taken Prisoners but freely gave up our Country to Colonel Arthur then the Govr after defending ourselves.</td>
<td>NS</td>
</tr>
<tr>
<td>1.2 Your Petitioners humbly state to Y[our] M[ajesty] that Mr. Robinson made for us &amp; with Col. Arthur an agreement which we have not lost from our minds since &amp; we have made our part of it good.</td>
<td>NS</td>
</tr>
<tr>
<td>2 1881 2.1 That all the land within our tribal boundaries has been taken possession of by the Government and white settlers.</td>
<td>PO</td>
</tr>
<tr>
<td>3 1886 3.1 I do trust you will be successful in securing this small portion of a vast territory which is ours by Divine right</td>
<td>SA</td>
</tr>
<tr>
<td>4 1887 4.1 [...] always bearing in mind that the Aborigines were the former occupiers of the land.</td>
<td>PO</td>
</tr>
<tr>
<td>5 1890 5.1 White people ought to be very good to us for they got our good country for nothing.</td>
<td>CP</td>
</tr>
<tr>
<td>7 1894 7.1 We, as children of the original owners of the land, presume that we have a right to be considered in the disposal of the land</td>
<td>PO</td>
</tr>
<tr>
<td>7.2 It was after years of hard labour and self-sacrifice that has made Point Pearce what it is.</td>
<td>CO</td>
</tr>
<tr>
<td>8 1911 8.1 Firstly, I would touch upon the fact of which you are all aware, and which has been so forcibly expressed by the hon. J. Lewis, when he said “that they had taken away their country, and had given them very little in return.”</td>
<td>CP</td>
</tr>
<tr>
<td>8.2 [...] and that the sense of British justice, under which we are so happy and content to abide, will prompt you to make some reparation</td>
<td>CP</td>
</tr>
<tr>
<td>10 1933 10.1 Whereas it was not only a moral duty, but also a strict injunction included in the commission issued to those who came to people Australia that the original occupants and we, their heirs and successors, should be adequately cared for;</td>
<td>PO</td>
</tr>
<tr>
<td>11 1935 11.1 That the small remnants of the tribes who occupied the State when the white race came to South Australia have a strong moral claim to proper treatment from the white race. That race today is occupying our lands and in return we are forced to accept charity.</td>
<td>CP</td>
</tr>
<tr>
<td>13 1963 13.1 [...] 4. That the land in question has been hunting and food gathering land for the Yirrkala tribes from time immemorial; we were all born here.</td>
<td>PO</td>
</tr>
<tr>
<td>13.2 [...] 5. That places sacred to the Yirrkala people, as well as vital to their livelihood are in the excised land, especially Melville Bay.</td>
<td>SA</td>
</tr>
<tr>
<td>14 1967 14.1 On the attached map, we have marked out the boundaries of the sacred places of our dreaming, bordering the Victoria River from Wave Hill Police Station to Hooker Creek, Inverway, Limbunya, Seal Gorge, etc.</td>
<td>SA</td>
</tr>
<tr>
<td>14.2 We have begun to build our own new homestead on the banks of beautiful Wattie Creek in the Seal Yard area, where there is permanent water.</td>
<td>CO</td>
</tr>
<tr>
<td>14.3 This is the main place of our dreaming only a few miles from the Seal Gorge where we have kept the bones of our martyrs all these years since white men killed many of our people.</td>
<td>SA</td>
</tr>
<tr>
<td>14.4 On the walls of the sacred caves where these bones are kept are the paintings of the totems of our tribe.</td>
<td>SA</td>
</tr>
<tr>
<td>14.5 We have already occupied a small area at Seal Yard under Miners Rights held by three of our tribesmen. We will continue to build our new home there (marked on the map with a cross),</td>
<td>CO</td>
</tr>
<tr>
<td>14.6 These we will use to build up a cattle station within the borders of this ancient Gurindji land.</td>
<td>PO</td>
</tr>
</tbody>
</table>
14.7 If the question of compensation arises, we feel that we have already paid enough during fifty years or more, during which time, we and our fathers worked for no wages at all much of the time and for a mere pittance in recent years.

14.9 But we are ready to show initiative now. We have already begun. We know how to work cattle better than any white man and we know and love this land of ours.

15 1971

15.1 The land and law, the sacred places, songs, dances and language were given to our ancestors by spirits Djangkawu and Barama.

15.2 We gave permission for one mining company but we did not give away the land.

16 1988

16.1 We, the Indigenous owners and occupiers of Australia,

16.2 [...] - to permanent control and enjoyment of our ancestral lands;

16.3 [...] - to compensation for the loss of use of our lands, there having been no extinction of original title;

16.4 [...] - to protection of and control of access to our sacred sites, sacred objects, artefacts, designs, knowledge and works of art;

16.5 And we call on the Commonwealth Parliament to negotiate with us a Treaty recognising our prior ownership, continued occupation and sovereignty and affirming our human rights and freedom.

Table 2. Basis for claim for land in corpus of petitions

There is a striking coherence in the basis for the claims from the earliest petitions to the most recent, although two petitions (6 and 12 – not featured on Table 1), request a grant of land purely on the grounds of fairness and necessity, not by right.

In essence, five different elements emerge in this basis for claim as evidenced in the 14 petitions given in Table 1. In alphabetical order according to the abbreviations used, they are: because the petitioners currently occupy the land (CO); because the petitioners occupied the land prior to the arrival of the settlers (PO); as compensation (CP); the fact the land had been given up as part of some sort of negotiated settlement (NS); and finally because there is some kind of spiritual attachment between the petitioners and that piece of land (SA).

The relative figures for these different categories are summarised in Table 3 (for ease of reference we also list the petitioners in abbreviated form):
Table 3. Relative figures for categories of Basis of Claim for land in corpus of petitions.

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>1971</td>
<td>Yirrkala</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>16</td>
<td>1988</td>
<td>N. and C. Land Councils</td>
<td>4</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>6</td>
<td>3</td>
<td>10</td>
<td>8</td>
</tr>
</tbody>
</table>

As is apparent, the most common basis for claim is specifically prior occupancy (PO), most of which occur in 16 and then in 2, 4, 7, 10, 13 and 14. Not coincidentally, Petition 16 dates from the period in which Aboriginal land rights had become a major political and judicial issue in Australia and the issue of prior occupancy was beginning to be identified as an effective basis for claim. PO is, however, cited throughout the period, and it is instructive to contrast it with spiritual attachment (SA), which becomes a feature only in later petitions (except for an early citation of “Divine Right” (3.1), an ambiguous turn of phrase that may not refer to SA as such). A spiritual attachment to the land lies at the heart of the concept of Dreamtime as briefly mentioned in Section 4. However, Aboriginal communities are traditionally secretive about such beliefs41, which may explain why SA is cited as a basis for claim only in later petitions once taboos had been sufficiently relaxed42. This constitutes yet another adoption of Anglo-Australian values on the part of Aborigines.

Negotiated settlement (NS) is an interesting category because it occurs only at the beginning of the corpus and near the end. Indeed, in the first petition it is the sole basis for claim. The idea that Aboriginal peoples had somehow ceded the land to settlers on a temporary or at least a not irrevocable basis not only implicitly asserts prior ownership but also stresses that the process of appropriation, not least according to the conqueror’s rules, should have involved formal negotiations. As Petition 1 makes clear, some agreement was made in the particular context in question, but it was of the verbal sort, which for the petitioners was valid, but which, it is claimed, the Anglo-Australian parties then chose to ignore. For many commentators, among them Aborigines, it is this failure to reach negotiated settlements (something stipulated in the written instructions originally given to Capt. James Cook43) that contributed to the subsequent maltreatment of Aborigines. Interestingly, the issue of the absence of negotiated settlements is not taken up until 15.2, which was written 140 years later. This time, however, the settlement mentioned draws upon the Aboriginal notion that granting access to a piece of land to use a particular resource does not involve renouncing ownership of it or control over other uses of that land (see Section 4).

The issue of compensation (CP) – either payment for or restitution of the land - is intrinsic to the issue of ownership as the latter provides the justification for the former. This issue is pursued only intermittently in the corpus of petitions. This is understandable given that native


42 Crucial in this process has been the development of anthropology in Australia (the first department being founded at the University of Sydney in 1926), whereby experts could not only investigate and document but also mediate between the settlers and various Indigenous cultures. Among such scholars was Prof Elkin, a professor at Sydney and government advisor from the 1930s to the 1960s: see Russell, supra note 9 (p. 128).

43 “[...] with the Consent of the Natives to take possession of Convenient Situations in the Country in the Name of the King of Great Britain; or if you find the Country uninhabited take Possession for His Majesty by setting up Proper Marks and inscriptions as first discoverers and possessors” (Russell 2005: 42).
Title has only been formally recognised in Australia recently\textsuperscript{44}, and until it had been established, compensation could not be settled. Indeed, the issues of compensation and/or restitution have recently become highly contentious with the potential to radically reorganise Australia’s system of land ownership, with all the attendant social and economic effects that this would have\textsuperscript{45}.

Current occupancy (CO) is significant because it represents a claim to title based not on the past or tradition, but the present. Of all the bases for claim, this is the one which corresponds most closely with that of Anglo-Australian law, resting as it does on physical possession and implying also the exclusion of others. This basis for claim is most frequent in Petition 14 (14.2, 14.5, 14.9).

Significantly, in Petition 14, a map is included (see 14.1). Yet again, this represents the adoption of a settler’s instrument in the establishment of a claim. As Attwood points out:

\begin{quote}
Creating a proprietal claim in the colonial world was often done by way of maps and surveys as these were commonly regarded as signs of possession.\textsuperscript{46}
\end{quote}

A map in such a context is not so much a way of encoding specific information (i.e., the location of a site, its boundaries and its area), as a means in itself of pegging a claim. In this light, it constitutes a symbolic artefact and an element in the discourse at a semiotic level.

From this perspective, Petitions 13 and 15 (both penned by Yolngu residents of Yirrkala) are especially interesting. Both have versions in English and in an Aboriginal language (in the case of 13 in Yolngu matha / Gumatj, and of 15 in Gupapunyngu). Petition 13, the “Yirrkala Bark Petition”, is even more significant in that it includes a traditional bark painting and thus represents an attempt by an Aboriginal group to present a petition in a form that not only conforms to the dominant settler norms but also their own, incorporating traditional designs and representations which are not merely decorative but form integral elements of the claim, as Attwood explains:

\begin{quote}
In works of [Yolngu] art, the relationship between the painters and the land is encoded in two ways, Howard Morphy\textsuperscript{47} [1983: 118] notes ‘through clan designs, which precisely signify the class ownership of a painting, and through representing features of the topography of the landscape’. As such, paintings can be regarded as both title deeds to and maps of the land.\textsuperscript{48}
\end{quote}

Such symbols are believed to be handed down from the Dreamtime. Consequently, art (including dance, chants, music, etc.), tradition, spirituality and land title are inextricably

\textsuperscript{44} The Aboriginal Land Rights (Northern Territory) Act 1976 allowed Aborigines in the Northern Territory to register a claim to land on the basis of traditional occupancy (thus, in effect, overturning the Gove Land Rights Case Judgement of 1971, which had upheld \textit{terra nullius}) and the Native Title Act 1993 (subsequent to the Mabo Judgement 1992).

\textsuperscript{45} Up to 2008, 11% of Australia’s land mass was covered by native title determinations (some of which are in cities such as Perth), with a further 504 open applications. See: “A fair go is the key”, \textit{Koori Mail} 431: 22.

\textsuperscript{46} See supra note 18 (p. 46).

\textsuperscript{47} Morphy, Howard (1983) “Now You Understand”: An Analysis of the Ways Yolngu Have Used Sacred Knowledge to Retain their Autonomy. In Peterson, Nicholas and Marcia Langton (eds.).

\textsuperscript{48} See supra note 13 (p. 229).
linked, and the art becomes both a vehicle for the expression of a spiritual attachment to the land and a religious instrument by which that bond can be strengthened.

Finally, by adopting a format that incorporates elements of the semiotic system of Yolngu culture, the Bark Petition also constitutes a proclamation of Yolngu law. As such, it sets down a public challenge (albeit an unsuccessful one) to the Commonwealth authorities in Canberra\(^{49}\). In this sense, there are parallels between the Bark Petition and the Batman Treaty, as each constitutes an attempt by one discourse community to impress its discourse models upon another.

Another concept that is alien to Aborigines is the requirement to alter the land in some permanent physical way in order to justify a claim, as is the practice in Anglo-Australian Law (see Section 4). As Attwood notes:

> A clear set of actions was also required in order to claim real possession. For Englishmen, Seed\(^{50}\) points out, it was either agricultural or pastoral labour—digging a piece of turf, planting a garden, grazing domestic animals—or ordinary physical objects—building a house, erecting a fence, growing hedges—that created rights to land, the first by improving it, the second by putting boundaries around it. Of these, the house and more especially the garden were the most important symbols of possession.\(^{51}\)

In Table 4, we collect all the parts of the various petitions that refer to the possible uses to which the land claimed by the petitioners will be put.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 1881 2.1</td>
<td>AGR</td>
</tr>
<tr>
<td>3 1886 3.1</td>
<td>U</td>
</tr>
<tr>
<td>4 1887 4.1</td>
<td>U</td>
</tr>
<tr>
<td>5 1890 5.1</td>
<td>U</td>
</tr>
<tr>
<td>5.2</td>
<td>HF</td>
</tr>
<tr>
<td>6 1894 6.1</td>
<td>AGR</td>
</tr>
<tr>
<td>6.2</td>
<td>AGR/HF</td>
</tr>
<tr>
<td>7 1894 7.1</td>
<td>U</td>
</tr>
</tbody>
</table>

\(^{49}\) As Attwood details (see supra note 46 [pp. 229-30]), the Yolngu people were already well known for their art.


\(^{51}\) See supra note 18 (p. 47).
I will only add the sincere desire of our people that you will do all in your power to obtain these additional lands for our use, so that there will be no doubt whatever in regard to our mission being placed upon a self-supporting basis.

That all capable aboriginals shall be given in fee simple sufficient good land to maintain a family.

We recommend that a special policy of Land Settlement for Aborigines should be put into operation, whereby Aborigines who desire to settle on the land should be given the same encouragement as that given to Immigrants or Soldier Settlers, with expert tuition in agriculture, and financial assistance to enable such settlers to become ultimately self-supporting.

We have already occupied a small area at Seal Yard under Miners Rights held by three of our tribesmen. We will continue to build our new home there (marked on the map with a cross), then buy some working horses with which we will trap and capture wild unbranded horses and cattle. These we will use to build up a cattle station within the borders of this ancient Gurindji land. And we are searching the area for valuable rocks which we hope to sell to help feed our people.

Table 4. Use of land claimed in corpus of petitions.

As is apparent, alteration of land, in terms of use of all types, is mentioned predominantly in the early petitions and can be seen as symptomatic of a perceived need on the part of the petitioners to justify their claim to the land in a way recognisable to Anglo-Australian petitionees.

In the petitions, three different categories of use of land are cited in alphabetical order: agriculture (crops and/or livestock) (AGR), hunting / fishing (HF), mining (M), and unspecified use (U).

The relative figures for these different categories are summarised in Table 5:

<table>
<thead>
<tr>
<th>Year</th>
<th>Use of Land</th>
<th>AGR</th>
<th>HF</th>
<th>M</th>
<th>U</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1846</td>
<td>Flinders Island</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1881</td>
<td>Maloga</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1886</td>
<td>William Cooper</td>
<td>1</td>
<td></td>
<td></td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>1887</td>
<td>Maloga</td>
<td></td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1890</td>
<td>Maloga</td>
<td>1</td>
<td></td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1894</td>
<td>Poonindie</td>
<td>2</td>
<td></td>
<td>1</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>1894</td>
<td>Point Pierce</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1911</td>
<td>Mat Kropinjere</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1927</td>
<td>APPA</td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1933</td>
<td>William Cooper</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1935</td>
<td>Aboriginal reps SA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1938</td>
<td><em>Abo Call</em></td>
<td></td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>1963</td>
<td>Yirrkala</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1967</td>
<td>Gurindji</td>
<td>2</td>
<td></td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1971</td>
<td>Yirrkala</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1988</td>
<td>N. and C. Land Councils</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>7</td>
<td>17</td>
</tr>
</tbody>
</table>

Table 5. Relative figures for categories of use of land claimed in corpus of petitions.
From Table 5, it emerges that the most common use cited is unspecified (U), which occurs especially in early petitions, mostly in 6 and 14. Of specific uses, agriculture (AGR) is the most commonly cited, again mostly in early petitions, followed by hunting and fishing (HF) and mining (M).

Linking a claim to land to the concepts of the “legitimate” or “best” use to which it will be put (see Table 4, 3.1 and 7.1) adheres to John Locke’s idea that title “could be established only through mixing one’s labour with the land.”52 Again, this strategy borrowed from settlers is used less often in later petitions, where, as shown in Tables 2 and 3, claims increasingly rest on prior occupancy and spiritual attachment, both of which represent justification by tradition and not by use. Among the recent petitions, it is used only in 14, where, as seen in Table 2, it is also notable for being the main source for claims based on current occupancy; indeed, both 14.1 and 14.2 in Table 4 also contain an element of CO and appear also in Table 2 as 14.2 and 14.5 respectively.

Related to the ideas of the “legitimate” or “best” use of land is the concept of the positive ‘civilising’ effect that the title to and use of the claimed land will have on the petitioners. In Table 6, we collect all the parts of the various petitions that refer to the assimilation of the petitioners as a justification for the claim:

<table>
<thead>
<tr>
<th>Assimilation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2</strong> 1881 2.1</td>
</tr>
<tr>
<td><strong>5</strong> 1890 5.1</td>
</tr>
<tr>
<td><strong>5</strong> 1890 5.2</td>
</tr>
<tr>
<td><strong>8</strong> 1911 8.1</td>
</tr>
<tr>
<td><strong>9</strong> 1927 9.1</td>
</tr>
<tr>
<td><strong>12</strong> 1938 12.1</td>
</tr>
</tbody>
</table>

Table 6. Assimilation of Aborigines cited in relation to land claims in corpus of petitions.

In Table 6, the topic of assimilation is used in only five out of the 16 petitions and more frequently in those at the beginning of the period. In one case, 8.1, the issue of assimilation is used ingeniously to make a case for a claim based on prior occupancy and for compensation. The last mention of assimilation is in 1938 by a deputation from a short-lived publication (which some Aboriginal activists saw as detrimental to their cause53). That the issue of assimilation does not play a more prominent part must be attributable to the fact that native title was predominantly an issue that affected Aborigines who had no aspirations or occasion to adopt the settlers’ life style. For many indeed, native title is a way to preserve traditional

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52 See *supra* note 9 (p. 41).
53 See *supra* note 18 (p. 60).
culture and lifestyle, which accounts for the persistence of claims based on prior occupancy throughout the corpus and increasingly on spiritual attachment to the land, as evidenced in Table 2.

Of the examples in Table 6, five of the six (2.1, 5.1, 5.2, 9.1 and 12.1) are classifiable in Searle’s terms\(^{54}\) as *commissives*, by which the speaker commits him- or herself in varying degrees to a certain cause of action. As such, they can be seen as moves whereby the petitioner offers something in return for the land being requested. Example 9.1 is somewhat ambiguous as it could also be seen as directive, a request for Aborigines to manage their own affairs and be free from outside control; however, the Aborigines who are nominated to act as managers are specified as “capable and educated”, thus representing a commitment to continuing assimilation on the part of the petitioners. Finally, in 8.1, assimilation is mentioned, but not as a commissive; instead it is *representative*, a proposition to the truth of which the speaker commits him- or herself, in this case to make a subtle point at the expense of settler society.

Similar to the commissives relating to assimilation listed in Table 7 are occasions when the petitioners attach conditions to their claims either in the form of commitments taken upon themselves (I) or imposed on some third party (III). These are listed in Table 7:

<table>
<thead>
<tr>
<th>Conditions</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 1886 3.1 I want a grant of land that I can call my own so long as I and my family live and yet without the power of being able to do away with the land.</td>
<td>I</td>
</tr>
<tr>
<td>5 1890 5.1 We don’t want them to pay us for it, but they ought to help us to live.</td>
<td>III</td>
</tr>
<tr>
<td>14 1967 14.1 We are prepared to pay for our land the same annual rental that Vestey's now pay.</td>
<td>I</td>
</tr>
<tr>
<td>14.2 If you can grant this wish for which we humbly ask, we would show the rest of Australia and the whole world that we are capable of working and planning our own destiny as free citizens.</td>
<td>I</td>
</tr>
<tr>
<td>14.3 We will also accept the condition that if we do not succeed within a reasonable time, our land should go back to the Government.</td>
<td>I</td>
</tr>
<tr>
<td>14.4 Some of our young men are working now at Gemfield and Montejinnie Cattle Stations for proper wages. However, we will ask them to come back to our own Gurindji Homestead when everything is ready.</td>
<td>I</td>
</tr>
</tbody>
</table>

Table 7. Conditions attached to claims in corpus of petitions.

Conditions are imposed in only three petitions, two at the beginning of the period and one towards the end. Of these conditions, all but one (5.1) are first person. These (3.1, 14.1-4) are all commissives, even 3.1, which does not commit the speaker to a cause of action, but rather to renounce a right.

Example 5.1 is third person and, as an illocutionary act, representative. However, at the level of perlocutionary act\(^{55}\), the intention is to have the petitionee make that which is represented come about. In this way, it can be seen as indirectly directive towards the petitionee and ultimately towards the third person participants referred to.

Example 14.1 could either be interpreted as an undertaking (a concession to the petitionee perhaps) or merely as an act of informing the petitionee of a future course of action (a

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\(^{54}\) See supra note 36.

unilateral decision taken without the consent of either the petitionee or other interested parties). In either case, it is commissive.

Conditions of the kind cited in Table 7 represent an attempt at negotiation and imply at least partial parity between petitioner and petitionee. The fact that no such attempt at negotiation occurs in the 13 other petitions indicates that apparently, at the interpersonal level of communication, there is a greater imbalance between the relative status of petitioners and petitionees, at least in the eyes of the former. Such an analysis is, however, based largely on an Anglo-Australian model of power-relationships between discourse participants and Anglo-Australian norms for negotiations. Alternatively, two other possibilities seem worthy of consideration: firstly, in the other petitions, the Aboriginal petitioners may seek to negotiate less because they are unfamiliar, or less comfortable with, the norms for doing so (the latter for cultural reasons); secondly, the Aboriginal petitioners may not wish to compromise or negotiate on such an important question as their land rights. However, the fact that Aborigines have gone to the trouble of, for the most part, peacefully organising themselves and penning petitions on the non-Aboriginal Australians’ terms, often using standard formulae such as “Most humbly showeth” and “will ever pray as in duty bound”, belies any such intransigence.

7. Conclusion

From analysis of the corpus of petitions in Section 6 and the various categories of moves related to the establishment and supporting of a claim for native title as outlined in Tables 2-7 (Basis of claim; land use, assimilation and setting conditions), a picture emerges of both continuity and evolution in the set of strategies used by Aboriginal petitioners.

Continuity comes about in the continued citation of prior occupancy as the chief justification for the claim for land or compensation for it. Evolution comes initially in the adoption of Anglo-Australian criteria for property rights: current occupancy and land use. Similarly, justification of land claims on the grounds of promoting assimilation into Anglo-Australian society occurs in early petitions but drops off prior to the 1940s. In more recent stages, there is recourse to traditional Aboriginal criteria for title, namely spiritual attachment. The desire to negotiate and set conditions, even those that commit the petitioner to some quid per quo arrangement, is also apparent in specific sections of the corpus, mainly in the middle period.

Indeed at the extremes of the period, there are similarities, namely the citing of the lack of or disregard for a negotiated settlement as justification for a land claim. In this sense, it seems that the Aboriginal petitioners come almost full circle from appealing for justice on the grounds of prior occupancy and (verbal) negotiated settlements to continuing to cite prior occupancy, increasingly linked to spiritual attachment and striving to arrive at some new kind of negotiated settlement. The general pattern here is then of initial incomprehension followed by a long period of attempts to learn and conform to the discoursal model of the all-powerful Anglo-Australian authorities. When this fails to achieve the desired results, there is a gradual reversion to a discoursal model based on Aboriginal concepts of land rights. This shows that, over the period covered by the petitions, the Aboriginal petitioners remain clearly focussed on the same fundamental issues and ultimately prove adept at changing their game-plan and identifying the correct moves to achieve their ends. As Attwood documents, the history of

\[56\] See \textit{supra} note 13.
the various Aboriginal Rights movements is one of increasing political expertise both in dealing with authorities and rival political forces and in fostering public support, both Aboriginal and non-Aboriginal, and pushing the issue of Aboriginal rights in general from the darkened wings of the Australian political agenda to centre-stage.

Demands for formal negotiations leading to some kind of formal treaty between Aboriginals and non-Aboriginals are moves that represent a marked change in the nature of the interpersonal relationship between the petitioners and petitionee. In the last two petitions, the texts consist of a series of demands, “the people of Yirrkala want …” (Petition 15) and “We, the Indigenous owners and occupiers of Australia, call on the Australian Government and people to recognise our rights” (Petition 16). Consequently, the overall style is so different as to share with the other 14 documents only the underlying purpose (to petition someone in authority for land). The reasons for such a change lie partly in greater awareness of minority and civil rights around the world, and in particular Indigenous rights in other settler democracies, and cooperation between Indigenous rights activists internationally.

That Aboriginal groups have been calling for some kind of treaty or negotiated settlement at the level of the Aboriginal “nation” and the non-Aboriginal “nation” is in itself a powerful symbol, contributing to the discourse at the semiotic level. In contrast to early settlers and adventurers like Batman who tried to conduct negotiations on a one-sided basis, involving both prejudice and premeditated deception, this process has involved taking on elements of Anglo-Australian discourse, adapting them to Aboriginal needs, and using them to redefine the underlying power relationships and thus actively setting the terms for future dialogue.

Particularly illustrative of this is the way in which elements of Aboriginal culture have been introduced into the discourse of land rights and the way that Aboriginal petitioners have learnt to integrate Aboriginal art forms and rituals into their discourse with the Anglo-Australian authorities, the Yirrkala Bark Petition being a case in point. Elsewhere within more conventional petitions, it can be seen how sacred totems, carvings have been used as signs of occupancy and thus arguably are themselves documents with legal status (see Table 2, 14.4), as such signs were to prove decisive in the Mabo Case (1992). At the level of dynamic semiosis, it is interesting to see how, as in the other settler democracies, sympathetic politicians have learnt to adopt/appropriate the symbolism of Indigenous people in acts of reconciliation such as Prime Minister Gough Whitman ceremoniously pouring soil into the hands of Gurindji elders in 1975. Such gestures are more than photo-opportunities, because they constitute the introduction of new rules which change the nature of the game and constitute infinite semiosis at the level of discourse.

References


57 Another move in this semiotic game of establishing parity between the “nation” of non-Aboriginal Australia with that of Aboriginal Australia was the tent embassy protest in 1972, when activists set up an “Aboriginal Embassy” outside the Commonwealth Parliament.


Petitions as Social Semiotic
