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## Borderlands of Aboriginal writing

Western understandings of the development of writing and literacy have long been dominated by a narrative of evolutionary progress. This narrative locates the primitive beginnings of writing in a pictographic stage, which advances to an ideographic stage before crossing the final threshold into ‘writing proper’, epitomised by the alphabet, a phonographic script or code for spoken words. Different cultures were thought to be located at different stages in a universal human journey towards ‘writing proper’. While Indigenous peoples were said to be fixed at the primitive pictographic stage, and oriental cultures at the ideographic stage, Europeans were supposed to have led the way forward by inventing the alphabet. As Rousseau put it in his *Essai sur l’origine des langues*:

These three ways of writing correspond almost exactly to three different stages according to which one can consider men gathered into a nation. The depicting of objects is appropriate to a savage people; signs of words and of propositions, to a barbaric people; and the alphabet to civilized people.<sup>1</sup>

In recent times this model has attracted criticism from several quarters.<sup>2</sup> Critics have pointed to its Eurocentricity, its failure to appreciate that ‘writing is not adequately thought of as the transcription of speech’.<sup>3</sup> In several disciplines there is growing interest in forms of ‘writing before the letter’ and modes of ‘non-literate’ reading. Concepts of writing and reading are now being expanded to accommodate non-Western, non-phonographic modes of graphic communication and decipherment.

At the same time, the Eurocentric evolutionary narrative continues to dominate popular concepts of writing, and has been rearticulated by Walter

J Ong and others, who privilege the alphabet as writing proper because 'it is a representation of utterance'.<sup>4</sup> While stressing the sophistication and functionality of what he calls oral societies, Ong has drawn a sharp line between phonographic scripts epitomised by the alphabet, and non-phonographic 'quasi-writings' such as ideographs and pictographs. By using a system of visible marks that represent words as sounds, the writer of text in alphabetic script can determine 'the exact words that the reader would generate from the text'.<sup>5</sup> By contrast, ideographs and pictographs can be translated only loosely and indirectly into spoken words. How they are verbalised depends on who is reading them, and under what circumstances. Consequently, according to Ong, these non-alphabetic signifying systems only function efficiently if the communicating parties are both immersed in the same life-world, dealing in stable cultural settings with restricted subjects in a limited range of circumstances that determine in advance what the symbols might 'say'.<sup>6</sup> While recognising that many words are not spelled phonetically, and that even the tightest contextual controls can never entirely expunge ambiguity from written texts, Ong wants to retain the categorical distinction between 'writing proper', which functions as a visual code for sounded utterance, and other visual sign systems which have no necessary relation to sound.

My concern here is not to side with Ong or his opponents, but to point to a type of essentialism that enters both sides of the debate whenever any sign system is seen to have any intrinsic, fixed way of working. The problem is not so much that non-phonographic scripts are excluded from the realm of writing, although such exclusions have been a pernicious component of European ethnocentrism, as we saw earlier when authorities such as EB Tylor and Baldwin Spencer classified Indigenous Australians as primitive on the grounds that they lacked recognisable forms of writing. Such exclusions are based on a more fundamental conceptual error: the assumption that any sign system is itself *inherently* phonographic, ideographic or pictographic. This assumption leaves out of account the fact that reading practices are neither automatically activated by scripts themselves, nor determined for all time by conventions prevailing in a script's original cultural context. Visual sign systems have no intrinsic means by which they mean: all are potentially subject to multiple, mutable, contextually determined modes of reading. It is this ideological and cultural clothing that determines whether, in any given context, a sign will operate phonographically, pictographically or ideographically.

This dynamic potential is perhaps most fully realised when signs move across borders between cultures, or move between disparate intracultural contexts of reading. By examining the changing ways in which scripts work as they move between different cultures, it becomes possible to observe that the defining characteristic of any script — its capacity to ‘be’ phonographic, ideographic or pictographic — is not intrinsic to it, but held in place by culturally and historically specific conventions of reading. The difference between categories of scripts, or between what Ong would call ‘writing’ and ‘non-writing’, depends on who is reading, and according to what conventions. Whether a given set of graphic signs functions as a code for spoken words, or as a picture or a concept, depends on what readers ‘make’ of that sign. That is to say, writing is as reading does.

With this idea in mind, it becomes obvious that when signs move back and forth between different cultures the ways in which they are read may change radically. In cross-cultural transactions between ‘non-literate’ and ‘literate’ societies, alphabetic characters may function in ways that have nothing to do with the sound-values ascribed to the letters by Europeans. Alphabetic characters can be read as non-phonographic signs. A given combination of letters may move in and out of a phonographic phase, or operate simultaneously as an ideograph, a pictograph and/or a phonograph. Conversely, it is theoretically possible that a mark which begins its life as an ideograph or pictograph may, in certain contexts, be read as a word or a name, as though it were an alphabetically written word, despite the fact that the mark contains nothing that can be recognised as an alphabetic character. No visual signifying system is inherently or inevitably phonographic, ideographic or pictographic. The way an alphabetic character (or any other kind of a sign) is made meaningful depends usually — but not *necessarily* — on the rules set down by the elites in its culture of origin.

This chapter focuses on a three frontier cultures of literacy, three spaces of exchange, entanglement, and transformation between Aboriginal and European signifying practices. In these borderland zones it becomes possible to see writing in the process of being re-clothed or cross-dressed. The nature and function of visual signs are altered, along with the technologies and media through which they are transmitted. In this frontier zone, writing can precede literacy, and the line between what Ong would call writing and non-writing becomes overtly contingent and unstable. On the borderland between cultures, it becomes obvious that Aboriginal uses of alphabetic script do not begin only after they have been formally schooled into using

the alphabet in the conventional European mode as a phonemic script for spoken words. What I want to suggest instead is that, in frontier settings, Aboriginal involvement in the making of European-style documents and the use of alphabetic script begins, in a sense, *before* literacy, in a double movement in which, on one side, traditional Aboriginal ideographs are transcribed onto European documents and made to serve as signatures, while on the other side, Aboriginal people appropriate alphabetic and numerical characters and put them to work in ways that have little to do with European conventions of phonographic writing and reading. Both these movements occur prior to formal schooling in European reading and writing practices. To illustrate this double movement, I'll attempt a provisional reading of two clubs carved in the 1860s in Wiradjuri country, then discuss Charlie Flannigan's prison-cell 'drawings of writing' in the early 1890s, and finally revisit the 'signing' of the Batman treaty in the Port Phillip District in 1835.

### Writing before literacy: Wiradjuri clubs

Some Indigenous Australians didn't wait to be taught how to write. Instead, they appropriated alphabetic characters by carving them into wooden objects such as clubs, boomerangs, spear-throwers and shields. It is difficult to know how widespread this practice was during the 19th century. Very few alphabetically inscribed objects from that period have been preserved in museums because most collectors of Indigenous artefacts were trying to preserve what they thought were pure, uncontaminated 'primitive cultures'.

To understand how Aboriginal people used alphabetic characters non-phonographically, it's necessary to keep in mind the *materiality* of writing — its manifestation in the form of objects — and undo some of the highly abstract ways of thinking about the alphabet that, for most people in modern Western societies, begins when their kindergarten teacher writes up the letters of the alphabet on the blackboard, and coaxes the class to recite 'A is for apple, B is for ball, C is for cat...' Beyond the frontier of white occupation, Aboriginal people would not have encountered alphabetic writing in the abstract, nor seen alphabetic characters physically sequestered on specially prepared surfaces such as blackboards or paper. Nor would their seeing of alphabetic characters have been mediated by known phonemic principles that tied particular sounds to particular letters. Instead, in frontier settings, and even more so beyond the frontier, they would have encountered writing

primarily as ‘stuff’, not separated from the objects that carried it. Before attending schools or engaging with the principles of European literacy, Aboriginal people would have seen alphabetic writing at large, out in the world, doing its work alongside numerical and other symbols, in a range of different graphic styles and notational systems. This variety of graphic styles reflected both the diversity of European technologies in use at that time, and the practice of branding merchandise with distinctive lettering on labels and signs. Indigenous Australians would have seen alphabetic characters stencilled, chiselled, stamped, printed or handwritten (in the foreign language of English), on objects such as coins, ships, milestones, rifles, metal tools, packing crates, flour bags, barrels, china, pocket watches, wool bales and signs, as well as in newspapers, books, handbills and handwritten documents. Sometimes interspersed with numerals, they were always on tangible objects that formed part of the alien material culture of the settler society. Together with traditional Indigenous oral and scriptorial practices, these objects and the distinctive lettering styles used on them would have shaped Aboriginal people’s understandings of the nature and functions of alphabetic script. It’s necessary to keep this material aspect of writing in mind when trying to attribute meaning to the inscriptions on the two Wiradjuri clubs made near Wagga Wagga in the 1860s.

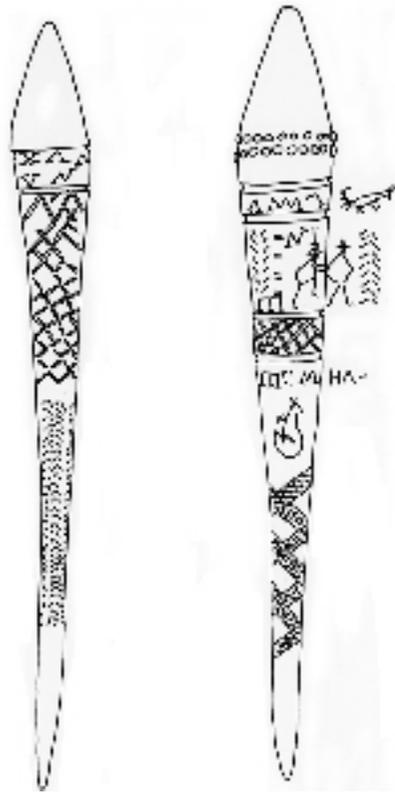
In my attempts to read these clubs, I am in a similar position to Aboriginal people when they were initially faced with alphabetic script without having been formally schooled. Looking at ‘Club A’ from bottom to top (see p. 77), we see what Paul Taçon interprets as traditional clan-markings at the narrow end.<sup>7</sup> Above these markings is a blank space, above which is a traditional, deeply incised, relatively regular cross-hatch pattern. At a certain point, however, the regularity of the cross-hatch pattern begins to break up, leaving gaps and lines of irregular length but consistent diagonal directionality. There is no clear demarcation dividing the regular pattern from the disrupted pattern. The former seems rather to merge into the latter. In the disrupted section, zigzag lines and marks resembling Xs and Vs progressively confuse the basic cross-hatch pattern, as though the carver had begun to notice the similarity between the traditional cross-hatch marks and some of the symbols inscribed on the goods and chattels of the white man. At the top of the transitional section is a deeply carved line, and above that the carver begins experimentally to reproduce shapes that are recognisable as alphabetic characters. Above those letters, dividing them off from the head of the club, is another deeply carved line. Read from bottom to top,

the club can be understood as a record of a transition from traditional to non-traditional practice.

Three features of the alphabetic characters on Club A warrant close attention. First, all the letters are configurations of straight diagonal lines. There are no curved letters, and no non-diagonal straight lines. Every one of the alphabetic characters is congruent with the straight-line diagonals the carver was using to produce the traditional cross-hatching on the lower section of the club. It was perhaps this coincidental congruence that inspired or licensed the carver to begin experimentally reproducing selected alphabetic characters.

The second thing to notice on Club A is that all the letters, with the possible exception of the 'N', are also Roman numerals. The symbol next to the 'X' is as likely to be an upside down V as an incomplete capital A, given that the Aboriginal carver may not have been familiar with Western conventions of letter-orientation. The 'N' may be an inaccurate reproduction of M, the Roman numeral for 1000.<sup>8</sup> The carver has reproduced only those Roman numerals that are congruent with the traditional diagonal straight-line pattern on the lower section of the club. The Roman numerals with curves or non-diagonal straight lines, such as C, D, and L, have not been reproduced on the club, perhaps because they are not congruent with the traditional cross-hatch pattern. Aboriginal people may have seen Roman numerals on round objects such as pocket watches and clocks, and this might explain the inconsistent orientation of many Aboriginal inscriptions. If Aboriginal carvers were copying symbols arranged around the rim of a watch-face or a coin, it would have been difficult to know which way was up. The possibility that the 'V', 'M' and 'X' on this club are imitating Roman numerals serves as a reminder of those sites in Western manuscript and print cultures where alphabetic characters function ideographically as symbols conveying a concept, rather than phonographically as elements in a visual code for sounded words.

The third important feature of the characters on Club A is that they all have serifs, as Roman numerals almost invariably do, or did at that time. The prevalence of serifs suggests that the letters were copied from carved, stamped, stencilled or printed inscriptions of the kind found on milestones, coins, pocket watches, crates or merchandise. Serifs are little things, but their significance is potentially great. When Europeans copy by hand a quote from a printed source, they do not normally try to imitate the printed typeface. Under ordinary circumstances, the typeface is irrelevant; all that



*Wiradjuri clubs as sketched by the author. 'Club A' on left and 'Club B' right. The original artefacts are in the collection of the Australian Museum, Sydney.*

counts is the phonemic value of the letters. Yet when Aboriginal people initially encountered alphabetic characters, they would have had no way of knowing which features of the characters 'carried' meaning (in the eyes of literate Europeans), and which did not. Indigenous Australians in frontier settings are unlikely to have known, for instance, whether M, W, V, N, and Z had to have a specific orientation and a specific number of zigs and zags, or whether these letters were simply bits of zigzag pattern of arbitrary length and orientation. Nor would they have known whether or not a given letter in two different typefaces, or in upper and lower case, amounted to two different letters or two ways of writing the same letter. Even if they knew that literate Europeans assigned particular sounds to particular characters, they would have had no principle upon which to distinguish the sounded parts of letters from the incidental, non-phonemic elements such as serifs. If the first typeface an Aboriginal person had ever encountered happened to be Roman type, they might reasonably deduce that serifs were a crucial, indispensable feature of the white man's signs.

In fact, serifs have turned out to be a telltale sign that Aboriginal inscriptions are reproductions of alphabetic or Roman numeric characters. It is theoretically possible that Aboriginal inscriptions resemble these characters purely by coincidence. Sometimes an inscription is worn or ill-defined, making it difficult to decide whether its resemblance to an alphabetical character is intentional, or simply a meaningless cross-cultural, coincidental resemblance of marks. Serifs often provide the key. Since they were not traditional to Aboriginal cultures, serifs are a fairly reliable sign that an otherwise ambiguous motif has been copied from a stencilled, stamped or printed model.

All but two of the characters on Wiradjuri 'Club B' had serifs. The handle end of Club B has shallow carved bands of cross-hatching which, as with Club A, is a traditional design.<sup>9</sup> Above is the figure of a kangaroo or wallaby and five letters, three with serifs, two without. Next is a band of deeply incised cross-hatching, bounded at the top and bottom by deeply carved horizontal lines. Above that again is a section that includes traditional and non-traditional elements: diagonal notches that traditionally identify the clan-group, alongside a figurative carving of two men with hats in a possible conflict situation, and some alphabetic characters. In the next section is a group of letters and the figure of a dog, and finally at the business end of the club are two bands of iron nails, the heads protruding a few millimetres either for decorative purposes or to give the club a bit of extra clout.

At this point I can only speculate about the functions of the alphabetic characters inscribed on this club. One possibility is that the letters functioned as power symbols, helping the club do its work effectively. Another is that the letters were inscribed to enhance the exchange value of the clubs, or to mark their status as potential merchandise. Taçon has noted that wooden objects such as boomerangs, shields, clubs and spear-throwers were usually inscribed with abstract geometrical motifs and patterns prior to European contact.<sup>10</sup> Figurative images of people, animals and so forth were typically found in rock shelters rather than on portable objects. In central New South Wales, figurative images did not appear on wooden objects until the mid-19th century, when such items began to be made for trading with non-Aboriginal people. When alphabetic characters appear alongside figurative images on portable objects, it may not be far-fetched to see both kinds of inscriptions as attempts to attract potential buyers. Alphabetic characters might, in such cases, work as exemplars of 'the white man's signs', in much the same way as Taiwanese-made merchandise carries American baseball

or football team logos in order to say ‘buy me, I’m yours’ to Westernised customers.

Where Aboriginal carvers were incising alphabetic characters on clubs and other objects to enhance their exchange value, the characters’ respective sound-values, along with the European reading conventions that reproduced them, would have been entirely irrelevant. Two nice paradoxes emerge here. The first is that Aboriginal people, including Bennelong and the carver of the Wiradjuri clubs, may have been writing for material gain or monetary profit without ever entering that state of knowledge Europeans call literacy. The second paradox is that as modern Western consumer culture increasingly incorporates alphabetic characters into brand logos and high-tech advertising graphics, sectors of the ‘most advanced’ societies are moving towards a non-phonographic space previously associated with cultures that the West deemed ‘primitive’, ‘backward’ and ‘other’.

### **Drawing writing: Charlie Flannigan**

In medieval European manuscript cultures, documents were often reproduced by copyists who were neither able to read nor to independently compose written texts. These copyists engaged with the visual and aesthetic aspects of alphabetic characters rather than with their sound-values. As print replaced hand-copying as the primary means of textual reproduction, the visual and aesthetic dimensions of alphabetic script lost their traditional mnemonic and spiritual *raison d’être*, and reading became in most contexts a matter of gulping down typographically uniform eye-bites rather than devoutly sounding words out, or savouring the memorable beauty of letters and the layout of individual pages. The careful page designs and ornamental lettering styles devised by William Blake, William Morris and Ezra Pound in the 19th and early 20th centuries were in part an effort to resensitise readers to the aesthetic and semiotic potential of the visual dimension of written and printed words.<sup>11</sup>

Two years after William Morris established the Kelmscott Press in London, a young Aboriginal prisoner in Darwin’s Fanny Bay Gaol was engaging with the visual and aesthetic values of alphabetic characters in a series of pencil drawings on government-issue paper. Charlie Flannigan (also known as Charlie McManus) had spent most of his working life as a stockman and station hand in western Queensland and the Northern Territory. In September 1892 while working on Auvergne Station in the Northern Territory he killed the acting manager after a dispute over a card

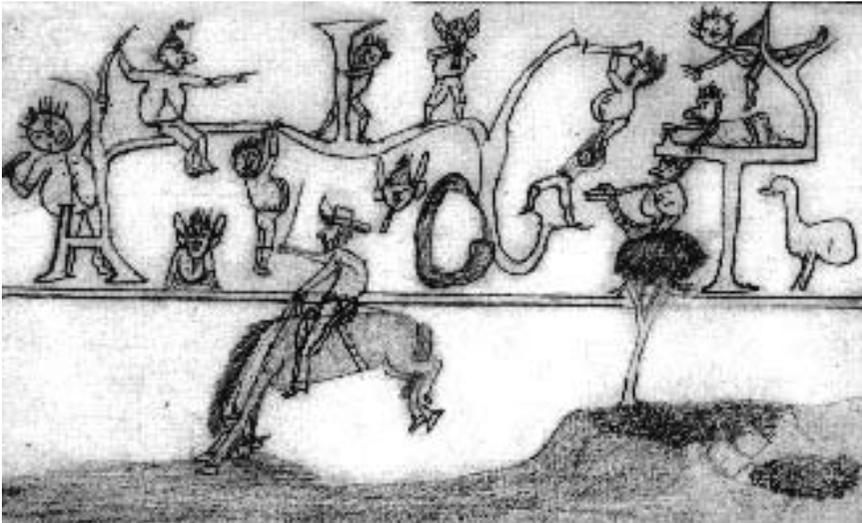
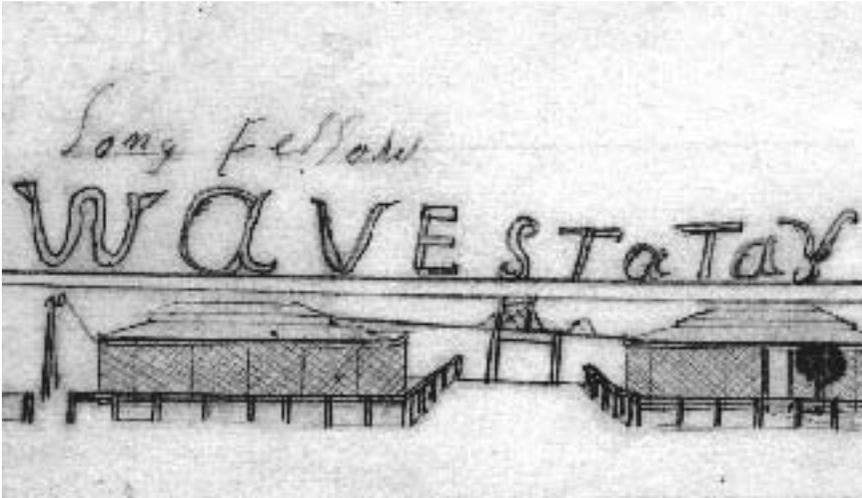
game. Flannigan gave himself up to the police, and was held in Darwin's Fanny Bay Gaol for several months awaiting trial. He was found guilty of murder and was hanged in July 1893 at the gaol. His drawings were all created while he was in prison.<sup>12</sup> They are presently held at the Museum of South Australia. Again and again he draws his home country, the land and the buildings of Wave Hill Station and Victoria River Downs, and himself or another stockman on a horse.

Andrew Sayers suggests that Flannigan had probably had some schooling, which means in this context that he had had some training in the reading conventions that make writing intelligible as a code for the sound of English language words. As evidence of Flannigan's literacy, Sayers points to the fact that 'his drawings sometimes incorporate words'.<sup>13</sup> Looking at these words, however, we see two distinct kinds of writing: cursive script where Flannigan uses writing as a phonemic code, and ornamental lettering where he engages primarily with the visual and aesthetic values of the letters. A curious discrepancy exists between his tentative handling of cursive script and his confident use of ornamental lettering. It is possible that he used cursive script when composing written words for himself, and ornamental letters when he was copying from an existing text. On one drawing, Flannigan practised writing his own name in the manner of a signature, knowing perhaps that artists did so in the white man's culture.

Being able to reproduce even ornate forms of lettering does not necessarily mean one can read or compose written texts independently. One does not need to be literate in the sense of being able to decipher written words phonetically to be able to engage with the visual values of alphabetic characters. Like some medieval copyists, Charlie Flannigan may have been writing by sight rather than by sound and the learned rules of spelling. In his drawing of Wave (Hill) Station, he is clearly concerned to reproduce a special style of lettering, but instead of setting down the letters according to the way the word sounds he makes the copyist's common error of looping back to repeat a sequence of letters he has already reproduced.

Flannigan evidently copied ornate forms of lettering from popular illustrated journals such as *Punch*. In these, his alphabetic characters function in a manner that has little to do with their sound-values. He is engaging with writing not as a code for utterance but as a set of aesthetically pleasing visual patterns and configurations of lines. His lettering invites the eye to scan a spatial design rather than a linear sequence of written phonemes. Whether or not Flannigan was functionally literate, he seems here to be

*drawing* writing rather than inscribing letters on the basis of their sound-values. In this regard, Flannigan's use of alphabetic characters foregrounds the principle that the alphabet is not *inherently* a phonographic code. Charlie Flannigan's drawings show that meaningful graphic patterns can be seen in written language, irrespective of whether or not the letters are intelligible on the basis of their sound-values.



*Charlie Flannigan's drawing of Wave Hill Station (top), and another where he uses letters for an ornamental rather than phonemic purpose. Museum Board of South Australia.*

## Dendroglyph signatures: the Batman treaty

Questions such as *What counts as writing?* and *What counts as authorship?* are not merely academic. In colonial Australia, these questions were politically and legally crucial. On 6 June 1835 on the banks of Merri Creek, where the Melbourne suburb of Northcote is now located, eight clan-heads of what was erroneously called the Dutigallar tribe allegedly signed a treaty with John Batman.<sup>14</sup> The treaty applied to two tracts of land totalling approximately 243 000 hectares, and offered blankets, knives, mirrors, tomahawks, scissors, clothing and flour in return. To effect the conveyance, the Indigenous ‘chiefs’ were said to have signed the deeds and placed some soil in John Batman’s hand. As far as Batman was concerned, the elders were observing the archaic European ritual of enfeoffment. In their own cultural terms, they were probably performing the Tanderrum ceremony, which bestowed hospitality, affirmed allegiance and allowed mutual sharing of resources, without transferring ownership of land.<sup>15</sup>

It is difficult to know precisely what the Woiworung leaders made of Batman’s ceremony of signatures and soil. Wurundjeri elder William Barak, who was present as a boy at the treaty signing, spoke neither of the documents nor the signatures when recalling the event in old age.<sup>16</sup> Despite the treaty deeds’ assertion that the terms of the purchase had been ‘fully and properly interpreted and explained to the said Chiefs’, Batman’s rival, John Pascoe Fawkner, had serious doubts. He rightly argued that the Aboriginal signatories could not possibly have grasped the treaty’s implication:

...it was not read over to them; it was not interpreted to them or explained, for these reasons; not one of the Sydney blacks knew the language of the men of this colony; not one of the Sydney blacks could read, except Bullett, and he only learnt words of one syllable... and any man of sense must know that to translate a deed to any one of a different tongue or language requires a real knowledge of both languages, and these Sydney blacks could not read, much less translate writing.<sup>17</sup>

Anticipating criticism on several points, Batman introduced his treaties into official channels in ways calculated to emphasise their moral integrity and legal validity. Potential discrepancies exist, however, in the three accounts of how the treaty was signed. The process as recorded on the deeds themselves differs from that recounted in Batman’s journal, and a different version again is offered in Batman’s report to Governor Arthur.

The treaty deeds state that ‘We...the Chiefs of the said Tribe have hereunto affixed our Seals...and have signed the same.’ This statement is corroborated on the deeds by the signed affirmations of three white witnesses that the documents had been ‘Signed, Sealed and Delivered’ on 6 June 1835. It is also consistent with Batman’s journal entry for the same day: ‘The parchment the eight chiefs signed this afternoon, delivering to me some of the soil of each of them, as giving me full possession of the tracts of land’.<sup>18</sup>

Batman’s journal entry for the following day reveals, however, that the signing process was somewhat more complicated and drawn out than the deeds implied. In his journal entry for Sunday, 7 June, Batman recorded that on that day he spent some time ‘drawing up triplicates of the deeds of the land I purchased’.<sup>19</sup> He also described the process by which he obtained the ‘Native chiefs’ marks:

I had no trouble to find out their secret marks. One of my natives (Bungett) went to a tree, out of sight of the women, and made the Sydney natives’ mark; after this was done I took, with two or three of my natives, the principal chief, and showed him the mark on the tree; this he knew immediately, and pointed to the knocking out of the teeth. The mark is always made when the ceremony of knocking out the tooth in the front is done. However, after this I desired, through my natives, for him to make his mark, which, after looking about for some time, and hesitating some few minutes, he took the tomahawk and cut out in the bark of the tree his mark — which is attached to the deed, and is the signature of their country and tribe.<sup>20</sup>

In the act of disclosing his coup, Batman risks attracting accusations of forgery. He deflects attention away from his crime by using the passive voice, and locating his admission in a subordinate clause. He implies that he simply moved the mark from the tree to the document, as though this relocation is as innocuous as shifting a vase to a different spot on a table. Yet the placement or location of signs is crucial to their meaning. The meaning of written words is shaped very much by their location, whether we are speaking of the placement of a signature on a legal document, or the location of modern-day Aboriginal graffiti which says implicitly, ‘This is my place, my land. I mark it as mine, in defiance of white law.’

According to the Batman treaty deeds, the Aboriginal signatures had been written and witnessed on the deeds the previous day. Either the ‘Dutigallar’ signatures were obtained the day *after* they were witnessed and verified, or

Batman was recollecting the events of Saturday in his Sunday journal entry. More important though is the fact that the ‘principal chief’ carved a mark on a tree. At no point did he or any other of the signatories put pen to parchment. Aside from Batman’s ambiguous account, there is no evidence that the Woiworing elders laid eyes on any written documents at all. The ‘Dutigallar’ signatures on the treaty deeds were in fact appropriated copies — forgeries they would be called in Western print cultures.

Questions such as this were glossed over by Batman’s contemporaries, and by most subsequent accounts of the signing event. With uncharacteristic mildness, John Pascoe Fawkner noted that Batman ‘prevailed upon them to take pen in hand and make sundry marks upon One of the deeds’.<sup>21</sup> In an otherwise satirical account of Batman’s trip to Port Phillip, the *Cornwall Chronicle* stated naively that:

Mr. Batman was provided with the deeds in triplicate, the nature of which he explained to the chief as is the fashion upon such an occasion in the white man’s country, who readily signed them and received one to preserve.<sup>22</sup>

The most explicit translation of a dendroglyph, or tree carving, into a signature on parchment was made by James Dawson in his *Australian Aborigines* (1881), widely regarded as one of the most authoritative late-19th century ethnographies.<sup>23</sup> Dawson’s caption to the facsimile of the Geelong deed states that:

The marks made by the chiefs on the parchment were their genuine and usual signatures, which they were in the habit of carving on the bark of trees and on their message sticks. The reader will be interested in these traces of civilization among a people who have hitherto been considered the least civilized of all nations.<sup>24</sup>

Popular histories of Victoria’s origins also pushed out of sight any questions about the nature and authenticity of the dendroglyph signatures. Commenting in 1984 on William Barak’s memory of the treaty signing, Shirley Wiencke assumed that ‘the tribal elders...made their mark on the parchment.’<sup>25</sup> A century earlier, the *Picturesque atlas of Australasia* (1886) included a commissioned engraving by GR Ashton entitled *Batman treating with the Blacks*, which captured and reinforced the popular view at that time. This image was reproduced uncritically in 1979 in CP Billot’s *John Batman: the story of John Batman and the founding of Melbourne*, and in the 1974, 1978 and 1982 facsimile reprints of the *Picturesque atlas of Australasia*.<sup>26</sup>

*Batman treating with the Blacks* shows Batman and an Aboriginal elder (designated as such by his grey beard) leaning forward over a large fallen log on which is spread the treaty document. Surrounding them is a cluster of Aboriginal men, some positioned as though lining up to add their signatures to the document. The right hands of Batman and the grey-bearded elder appear to meet at the point where they are both signing the deed, and it is difficult to tell which of them is holding the long feather pen. The stance of the Aboriginal elder and the merging of his right hand with Batman's may be interpreted in two ways: either the Aboriginal elder can 'sign' because penmanship is an innate human ability, or the signing process is difficult but Batman's guiding hand is solving the problem. The engraving thus opens and closes the practical question of exactly how someone who had never before seen a feather used as a writing implement might manipulate it. It also creates the impression that the Batman treaty consisted of a single document only, when in fact there were multiple copies of both the 'Melbourne' and the 'Geelong' deeds.

Harcourt has divided these copies into three categories.<sup>27</sup> First, there is the prototype or pro forma deed drawn up by Joseph Pettingell in Joseph Tice Gellibrand's legal office before Batman set out for Port Phillip. This manuscript initially had blank spaces into which John Batman and William



*Ashton's engraving Batman treating with the Blacks, Andrew Garran, ed. Picturesque Atlas of Australia, Vol. 1 (1886). Courtesy Rare Books, Fisher Library, University of Sydney.*

Todd later inserted details about the boundaries of the ‘Melbourne’ and ‘Geelong’ tracts of land, as well as the initial tribute and annual rental payments, and the names of the eight Aboriginal signatories. As well as stating that the ‘Chiefs of the said tribe’ had duly signed and sealed the document, the prototype deed records the names of the eight ‘Dutigallar’ signatories: Jagajaga, Jagajaga, Jagajaga, Cooloolock, Bungarie, Yanyan, Moowhip and Mommamalar. Only the first name has the dendroglyph signature beside it. This signature consists of three parallel wavy diagonal lines followed closely by a smaller elongated oval. Beside it is a small rectangular wax seal imprinted with a fine-grained, regular, cross-hatch pattern.<sup>28</sup>

Second, there are the main ‘Melbourne’ and ‘Geelong’ treaty deeds, which consist of one pair of so-called originals drawn up on 6 June, and duplicate and triplicate copies drawn up on 7 June.<sup>29</sup> These large parchment documents were copied by Batman and William Todd from the prototype deed, during and after negotiations with the ‘Dutigallar chiefs’. On these six documents, the ‘Dutigallar signature’ appears beside each of the eight names, on both the front and back of each document. The third group of deeds, which does not concern us here, consists of approximately fifty small facsimile copies drawn up later for use in written submissions to Government officials.

*Batman treating with the Blacks* and other representations of the signing event entirely leave out of account the fact that the eight ‘Dutigallar’ men were alleged to have signed six documents, not just one. These representations foreclose the question of how eight members of a society without alphabetic writing could each have signed three copies of two deeds in two places — making twelve signatures for each signatory, and ninety-six signatures in all — using the unfamiliar technologies of pen, ink and parchment.

Two inferences may be drawn from the fact that there is only one ‘Dutigallar signature’ on the prototype deed. First, Batman intended the mark to be read as a communal signature — an ideograph for ‘Dutigallar chief’ — rather than as one of eight different individual signatures. Second, it seems likely that Batman copied the dendroglyph onto the prototype deed with a view to using it as a model for each of the two groups of eight identical signatures he subsequently copied onto each of the six parchment deeds. Batman’s wording in his journal entry for Sunday, 7 June neatly sidesteps the issue of forgery. By writing in the passive voice that the Dutigallar chief’s ‘mark...is attached to the deed’, Batman evaded the question of precisely who did the attaching. Looking at the regularity of the

‘signatures’, it is clear that they were made by a hand that had fully mastered the skill of writing on parchment with pen and ink. As Alistair Campbell has pointed out, ‘It is inconceivable that Batman could have persuaded eight unrehearsed Aborigines in a few hours to have drawn the marks with the neatness and penmanship shown on the documents, not once but twelve times.’<sup>30</sup> Batman’s first biographer, James Bonwick, surmised as much in 1883, reasoning that ‘Batman copied the hieroglyphics cut on the tree, and placed that mark on the deed at the end of each of the supposed signatures of the chiefs.’<sup>31</sup>

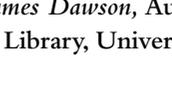
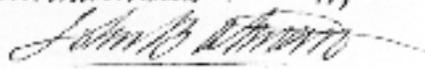
Interestingly, Bonwick refers to the names of the chiefs as ‘supposed signatures’, and calls the ‘hieroglyphics’ copied from the tree a supplementary ‘mark’. Bonwick’s wording raises two questions about the treaty: How, given the foreignness of pen, ink and parchment, could the ‘Dutigallar Chiefs’ possibly have signed the deeds? And which marks constituted their ‘signatures’: The elders’ individual names? The single mark copied from the tree onto the prototype deed? Or the ninety-six identical marks on the six ‘original’ Melbourne and Geelong deeds?

As well as constituting what Western print cultures would call a forgery, Batman’s copying of the dendroglyph was also an act of cross-cultural media substitution — the transformation of a dendroglyph into a mark on a piece of parchment, which performed the functions of an original written signature as soon as it was copied onto a surface that was portable and could hence serve as a legal document. It was not the mark alone, not the naked mark itself, that was legally binding; the legal legitimacy of the mark was contingent on its placement and relocation onto a portable medium — or so Batman hoped. The place or surface on which a sign is written is part of the sign itself.

Batman’s forgery involved copying the mark on the tree onto the appropriate places on the multiple copies of the documents. This action did not involve converting an ideograph into a phonograph. Dendroglyphs had the potential to work as legally valid signatures because, in modern Western cultures, signatures occupy a borderline space between ideograph and phonograph. The more illegible they are, the more ideographic. On the one hand, signatures are handwritten alphabetic renditions of the phonemic units of the signatory’s name; on the other, they are marks that must be evaluated without any reference to sound, purely as an abstract visual configuration of lines. Accordingly, signatures are simultaneously writing and not-writing. They encode people’s names, yet each signature

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jagajaga, being the Principal Chiefs, and also  
 Moommamalar  
 ative-Tube-cated Duligallo, ----- situate  
 between Galang being possessed of the Tract of Land -----  
 the said looking thence South West  
 and Fifty Pounds of Silver ----- delivered to the  
 us Tube-cated for slaves and our Heirs and Successors  
 the Tract of Country situate and being in the Bay  
 ang, extending across from Gelong Harbour  
 in the whole track or track of Land  
 of these presents delineated and marked out by the  
 boundaries of the said Tract of Land **To hold** the  
 M. Batman his heirs and assigns for ever To the  
 Tract of Land and place thereon Sheep and Cattle  
 Fifty Pair of Blanket Fifty Pairs, Fifty Donkeys  
 and two tons of Flour **In Witness** whereof  
 jagajaga Moommamalar -----  
 same dated according to the Christian Era.

jagajaga		
jagajaga		
jagajaga		
cooolook		
Bungarie		
Janyan		
Moomkup		
Moommamalar		
John B. Batman		

Forged signatures on the Batman treaty. Image from James Dawson, Australian Aborigines (1881). Courtesy Rare Books, Fisher Library, University of Sydney.

is so individually stylised that it becomes a performance or mark of the writer's body, like a thumbprint or fingerprint, and can therefore only be made authentically by its owner.

This dual aspect of signatures, without which the Woiworung dendroglyph would have been useless to Batman, is rooted in medieval European manuscript culture, in the notaries' practice of manually appending both his name and *signum* to documents, and in the English use of seals which combined both a *signum* and the signatory's name.<sup>32</sup> This dual ideographic–phonographic nature of the signature was consolidated after the advent of print. The printing press standardised writing, making the impersonal, standard hands of scribes and copyists obsolete. Literate people cultivated their own distinct, personal handwriting styles and signatures which, combining the functions of name and *signum*, became widely accepted as warrants of authenticity.<sup>33</sup> Paradoxically, the mechanisation of phonographic writing in Europe created the ideographic function of hand-written signatures, the function which Batman exploited in his appropriation of the Woiworung dendroglyph for his treaty documents.

Whether read ideographically or phonographically, signatures also work as memory aids. In that sense, they are not unlike dendroglyphs in traditional indigenous ritual contexts, or the broken knives and other symbolic objects that were sometimes attached to medieval European manuscripts to cue the relevant parties' memories of the documented agreement.<sup>34</sup> In south-eastern Australia (although not south of the Murray River according to Etheridge), dendroglyphs were used, along with ground-drawings, paintings, and ritual objects, to help explain the sacred stories imparted to young men during initiation ceremonies.<sup>35</sup> In so-called oral societies, dendroglyphs and other visual signs served as a means of storing information for later retrieval, just as alphabetic writing does in societies customarily designated 'literate'.<sup>36</sup> Yet according to Eurocentric definitions of writing as a phonographic code for words, these dendroglyphs were not a form of writing but ideographs working as memory aids. Signatures, too, may function as memory aids. They are *appended* to a document to commemorate the *making* of the documented agreement by the relevant parties. The signature not only consummates an agreement, it is also a trace of the moment of its making. As an object, the signature exists 'in witness to' the occasion of the making of the document on which the agreement is recorded.

If Batman's journal account of how he 'obtained' the 'Dutigallar' mark is true, it is a tale of trickery, deception and imposture. The Woiworung man's pointing to his front teeth, and checking for unauthorised onlookers, suggests that what he was making was an *initiatory* dendroglyph, a visual representation of secret sacred men's knowledge. Before Batman could view the mark he intended to use as the 'Dutigallar' signature, he had to convey to the Woiworung leader that he was lawfully authorised to see that mark. This he accomplished by having the Sydney Aboriginal man, Bungett, carve marks on a tree, thereby indicating his own initiated status, and Batman's status too, since Bungett had permitted Batman to view his mark. Only when convinced that Batman and Bungett were initiated men (albeit of another nation), and were thus lawfully authorised to view the mark, would the Woiworung leader carve his mark on the tree. By pretending to be initiated, and by assimilating the dendroglyph into the institution of the legal document, Batman was simultaneously breaking Woiworung law and endeavoring to subject the Woiworung to English law, which he was at that moment breaking himself.

Batman's trickery is completely erased from the third account of the treaty signing, his report to Governor Arthur, dated 25 June 1835, two and a half weeks after the signing took place. Composed by Batman's lawyer, Joseph Tice Gellibrand, using Batman's journal as the source, the report implies that all eight 'Dutigallar' leaders actively desired to show their special tribal mark to Batman. All mention of Batman's prompting of the 'signing' of trees, and copying of the dendroglyph, is omitted. The 'giving' of the special mark is described as a piece of secret men's business signifying the Aboriginal leaders' enthusiastic acceptance or initiation of Batman into the tribe:

The chiefs appeared most fully to comprehend my proposals, and much delighted with the prospect of having me to live amongst them... On the next day the chiefs proceeded with me to the boundaries,<sup>37</sup> and they marked, with their own native marks, the trees at the corners of the boundaries, and they also gave me their own private mark, which is kept sacred by them, even so much that the women are not allowed to see it.<sup>38</sup>

Given these conflicting accounts of the signing of the treaty, it is difficult to separate fact from fiction. Even if Batman's accounts were complete fabrications, the theoretical possibility remains that an ideograph carved on

a tree could be transformed into a signature on a legal document. In the case of the Batman treaty, parchment was substituted for country as both an inscribed surface and a *location* of the mark; a pen was substituted for an axe as a tool of inscription. It was through these substitutions that the glyph passed into the jurisdiction of British law — or so Batman hoped. New South Wales Governor Richard Bourke is unlikely to have been aware of Woiworung law, but he brought British law to bear on Batman's treaty on 26 August 1835, by declaring void 'every such treaty, bargain and contract with the Aboriginal Natives...for the possession, title or claim to any Lands'.<sup>39</sup> In London, Lord Glenelg, British Secretary of State for Colonies, upheld Bourke's decision. Yet Bourke and Glenelg declared the treaty invalid for reasons that had nothing to do with any suspicion that Batman had forged the signatures. Nor were they concerned that the Woiworung signatures were ideographic rather than alphabetic. Non-alphabetic signatures had long been accepted as valid in British law, and were common on treaties in New Zealand and North America.<sup>40</sup> Batman's treaty was illegal for one reason only: under British law, the Crown, not the Aborigines, had sole authority to sell off the land.

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John Batman stole or invented a Woiworung ideograph to do the work of a signature on a written legal document. His action serves as a reminder that in certain contexts within European culture, writing can function simultaneously as a phonographic code for a name, an ideographic configuration of lines produced through bodily performance, and a symbolic aid to memory of a document's making. While Batman used 'non-writing' improperly, the Wiradjuri carver and Charlie Flannigan both transformed alphabetic script into a non-phonographic medium. Unschooling in the principles of European literacy, the Wiradjuri carver used alphabetic characters to signify tradability perhaps, and used Europe's ideographic scripts such as Roman and Arabic numerals. His mimicry pointed to the fact that literate European cultures had not left the ideographic stage behind at all. Similarly, Charlie Flannigan used alphabetic characters not for their sound-values and their ability to encode spoken words, but for their decorative potential as visual art. Like those of the Wiradjuri carver, his inscriptions disarticulate alphabetic writing from its phonographic functions, thereby confounding Eurocentric narratives of cultural progress in which high civilisations leave 'primitive' visual signifying systems behind.

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Borderland inscriptions such as the Batman treaty, the Wiradjuri clubs and Charlie Flannigan's drawings destabilise the Western conventions of reading that normally hold the distinction between 'writing' and 'non-writing' in place. They show how scripts are not *inherently* phonographic, ideographic or pictographic, but can change from one mode to another, or function simultaneously in more than one mode. Following recent inquiries into the ways trade recontextualises and transforms the identity of objects,<sup>41</sup> the Batman treaty offers access to the question of how these transformative processes apply to the communication technologies and signifying systems through which the trading parties reach, or legally ratify, their agreement. The Wiradjuri clubs and Charlie Flannigan's lettering also call for a historically grounded, non-Eurocentric, materialist approach to scripts. Such an approach calls implicitly into question the essentialist assumptions underlying much of what has been written on both sides of the current debate about what counts as 'writing'.